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James R. Temples — The Politics of Nuclear Power

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From the Editor:

In this issue . . .

JAMES L. SUNDQUIST attributes the "crisis of confidence" identified by President Carter to a "crisis of competence" in government. Sundquist argues that recent changes such as the disintegration of political parties, the haphazard methods of selecting presidents, the rejection by the Congress of presidential leadership, the fragmentation of the Congress itself, and the gradual deterioration of administrative capability, all militate against governmental effectiveness.

THOMAS E. CRONIN assesses the argument that Congress has successfully reasserted itself in national policymaking and seriously curbed the "imperial presidency." He finds that Congress has indeed become more involved in national policymaking and that constraints have been added to the way presidents exercise their powers. Cronin concludes that whatever reassertion has taken place may not last and that, in any event, the presidency has not been weakened as much as some commentators have claimed.

JAMES R. TEMPLES analyzes the federal government's role in the development of the nuclear power industry and the licensing of commercial nuclear power plants. He sees evidence of a gradual long-term shift from a "distributive" to a "regulatory" posture toward the nuclear industry.

ROSS B. TALBOT reviews the creation of the newest of the United Nations's specialized agencies—the International Fund for Agricultural Development. His analysis focuses on why such an organization was proposed, how the complicated negotiations for its adoption were consummated, and how its unique triumvirate decision-making procedures work.

DONALD M. SNOW examines emerging developments in high-energy laser and charged-particle beam technology as applied to strategic weaponry. He argues that successful development and deployment of these weapons could have a fundamental impact on notions of deterrence and arms control and that the effects could be so great that strategists need to begin coming to grips with the potential issues now.

ALPHEUS THOMAS MASON reviews the recent best-seller *The Brethren* and argues that such an unauthorized and undocumented study of the inner workings of the Supreme Court impedes public understanding of the Court's constitutional role.

DEMETRIOS CARALEY

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The Crisis of Competence in Our National Government

JAMES L. SUNDQUIST

When President Carter came down from Camp David, in July 1979, to talk of a national "malaise" and warn his countrymen that "a crisis of confidence" was "threatening to destroy the social and political fabric of America," he gave his political rivals in both parties an unintended issue. As the campaign got under way in the fall, Ronald Reagan was saying that there was no "failure of the American spirit," only "a failure of our leaders," that the people did not lack confidence in themselves but only in their government. And Senator Kennedy was throwing Carter's words back at him with, "the malaise is not in our people but in our leadership."

The implication, of course, was that confidence could be restored with a change in leadership. But the thesis of this article is that the problems of the U.S. government will not be solved by anything so simple as a change in leadership—or a return to office of the incumbent leadership, depending on one's preference. The American governmental system has built-in structural features that have always presented severe difficulties for any president who would provide the sought-after leadership. But deep-seated trends have been, and are, at work that will make effective government even more difficult to attain in the 1980s than it has been in the decade just ended and those that have gone before.

The Crisis of Confidence

Every poll that has been designed to measure the confidence of the American

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people in their government has shown a precipitous decline in that confidence since the mid-1960s. No one disputes President Carter on that point. A few figures will illustrate it.

Consider, for instance, the findings of the Center for Political Studies at the University of Michigan, which has asked some questions in identical form and at the same time in each presidential election year. Persons interviewed in its national sample who expressed agreement with five propositions (chosen from a set of answers in a multiple-choice format) can be considered to be alienated from their national government: "you can trust the government in Washington to do what is right . . . only some of the time"; "the government is pretty much run by a few big interests looking out for themselves"; "quite a few of the people running government are a little crooked"; "quite a few of the people running the government don't seem to know what they're doing"; and "people in the government waste a lot of money we pay in taxes." The averages of those who chose these answers were:

	Percent
1964	31
1968	40
1972	47
1976	61

The same general trend appears in answers to the Louis Harris poll question that asks how much confidence the voters have in "the people in charge of running" various institutions, both governmental and private. The percentage of respondents expressing "a great deal of confidence" has been going down for all institutions. Following are the percentages for Congress, the executive branch, and what Harris calls nongovernmental primary institutions (an average of the responses on medicine, higher education, organized religion, the military, major companies, the press, and organized labor) as shown in polls taken at various times during the years indicated:[1]

	Congress	*Executive branch*	*Nongovernmental institutions*
1966	42%	41%	49%
1971	19	23	30
1973	29	19	37
1974	18	28	31
1976	9	11	24
1977	16	23	29
1978	10	14	29
1979 (February)	18	17	24

And a corresponding trend marks the Harris index of alienation, which is based on the percentage of the respondents who express agreement with four

[1] Harris survey data, summarized in *Public Opinion* 2 (January-February 1979): 24; and ibid., October-November 1979, pp. 30-31.

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propositions: "the rich get richer and the poor get poorer"; "what you think doesn't count very much anymore"; "the people running the country don't really care what happens to you"; and "you're left out of things going on around you." Averaging the four percentages, Harris obtains the following proportions of "disenchanted" voters:[2]

	Percent
1966	29
1969	36
1971	40
1972	49
1973	55
1976	59
1977	58

One thing that is clear from the polls is that the steep slide in public confidence began quite suddenly in the mid-1960s. The year 1965 was a high point by any measure. Congress in 1964 and 1965 had put aside all doubt and in a spirit of euphoria had passed the pioneering, hopeful measures that made up Lyndon Johnson's Great Society—the Economic Opportunity Act, civil rights legislation, programs for Appalachia and other depressed areas, medicare, water and air pollution control, federal aid to education, and the rest. President Johnson was riding the crest of popularity; his approval rating ranged about 65 to 70 percent all through 1965, figures averaging well above those of any other postwar president except Kennedy after the same length of time in office. Congress also received then the highest approval rating in modern times, according to Harris. Fully 71 percent of the electorate gave it a favorable rating, compared to only 35 percent two years before. So public confidence had been rising. Then, after 1965, it began its slide.

What were the causes? What has made people angry at their government? The polls have not asked that question directly, but they are a rich source of random clues, and anyone who lived through the decade can construct from those clues and from experience and observation a list of events that have contributed to bringing the competence and responsiveness of government and its leadership into question. Most lists, surely, would include these: the Vietnam War, ghetto riots, the rise in crime, Watergate and the Nixon resignation, the Agnew scandal, the highest unemployment since the Great Depression, double-digit inflation, the energy crisis and gasoline lines, and setbacks to the United States in world affairs—in Africa, the Middle East, and elsewhere.

The list could be extended, but in any case a succession of adverse events has produced a generalized feeling about government far more negative than was the case fifteen or twenty years ago—the malaise about which Carter spoke. There is the general impression that government is wasteful. There is the widely shared conclusion that government efforts to solve problems do not usually

[2] *The Harris Survey,* 8 December 1977.

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work, that ambitious initiatives like the Great Society are bound to fail. There is the pervasive feeling that the government is too intrusive, oppressing people and businesses with regulation that brings more burden than benefit. There is the judgment that government does not deliver on its promises, that after all the talk about cleaning up the "welfare mess," closing tax loopholes, streamlining the bureaucracy, and cutting red tape, things always remain the same. There is the suspicion that government looks out mainly for the rich and the "special interests," and the conviction that politicians are not as honest as they should be; corruption and scandal were supposed to have ended with Nixon and Agnew, but the new administration was barely in office when the Bert Lance affair splashed in the headlines and on television news, and the usual quota of congressmen were caught accepting bribes.

One does not have to share all these negative opinions to reach the essential conclusion: the performance of the government has fallen far short of what the people have expected and have a right to expect. The past fifteen years have seen one long string of mistakes, of commission or omission. Some of the events, the politicians in power at the time may claim, were beyond the control of the U.S. government. But opposing politicians are always around to reject any such attempted alibi and exploit the failure—and the public judgment is not likely to be generous. The people expect the government to control events. After all, candidates for office keep promising that it can do so. They go on insisting that elections make a difference. So each time an election does not, it adds to the disillusionment. And that, in turn, appears to be expressed in the decline in voting participation, which was also precipitate in the 1970s—as Carter noted in his July speech.

The loss in confidence in the early Carter years, in particular, was severe. The polling data suggest that the public mood had experienced some recovery during the brief Ford administration and through the election and inauguration of Jimmy Carter. If the country had not returned to the euphoric heights of 1965, it seemed at least to be pulling out of the doldrums. When Carter was sworn in, the nation faced the future with a fair measure of the optimism and hope that always marked inauguration day. But sometime in 1977, the optimism began to fade, and with it, Carter's standing. By early 1979, the crisis of confidence was again apparent. To turn to the polls once again, the responses to two questions asked repeatedly in recent years measure perhaps as well as any the shifts in the general public perception of how the government is coping with the nation's problems. The first is: "[Are] problems . . . no worse than at other times, [or is] the country . . . in deep and serious trouble?" Among those respondents with an opinion, the percentages choosing each alternative are as follows:[3]

[3] Times-Yankelovitch Surveys, reported in *Public Opinion* 2 (June-July 1979): 21.

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	Problems no worse than at other times	*Country in deep and serious trouble*
March 1974	32	68
January 1975	29	71
August 1976	58	42
September 1976	51	49
July 1977	59	41
April 1979	33	67

The second question was: "Do you feel things in this country are generally going in the right direction, or do you feel that things have pretty seriously gotten on the wrong track?" The percentages are shown below.[4]

	Right direction	*Wrong track*	*Don't know*
October 1973	16	74	10
October 1975	19	71	9
February 1977	41	44	14
February 1979	20	65	15

The downward trend in 1977–79 paralleled the drop in Carter's popularity. The percentage of the voters giving him a favorable rating ranged from 28 to 33 percent in a series of polls between May and August 1979, down from between 60 and 67 percent two years before—one of the steepest declines on record. (That was followed by one of the sharpest surges in a presidential approval rating, after the seizure of the U.S. embassy in Tehran. Whether this reflects a lasting reappraisal of Carter's leadership or simply a support-the-president response to crisis, and whether it is accompanied by any significant revival of confidence in government generally, are not yet clear.)

Late in 1978, President Carter's own pollster, Patrick H. Caddell, asked his respondents how much they thought the government could do to solve certain problems. The percentage that thought the government could do "a lot" was relatively high—46 percent responded that it could bring down inflation to acceptable levels; 38 percent, hold down unemployment to acceptable levels; 52 percent, reduce taxes significantly; 33 percent, reduce crime significantly; 45 percent, improve health care. But the percentages of respondents who considered it "very likely" that the government "will actually be able to do" those things were 10, 9, 11, 8, and 13, respectively. When only 10 percent of the voters believe their government will solve the public problem that weighs most heavily on them—inflation—that is a resounding vote of nonconfidence. And the 10 percent was about equal to the proportion expressing "a great deal of confidence" in President Carter and Congress that was reported a few weeks earlier by Harris.

[4] Roper surveys, reported in ibid., p. 22.

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If all that is the bad news, the good news is that the people have not given up on the American system—not yet, anyway. Pollster Harris asked some questions in September 1978 designed to probe the public's feelings about government itself, as distinct from the people leading it. He identified a series of characteristics that people desire in government, and then asked two questions: "Do we have a government that fits these characteristics?" And "is it possible to have" such a government? The responses given for some of the characteristics are as follows:[5]

	Have	*Don't have*	*Possible*	*Not possible*
Almost wholly free of corruption and payoffs	10%	84%	48%	45%
Best people are attracted to serve in public life	18	69	68	22
The good of the country is placed above special interests	26	61	76	16
Public officials really care what happens to people	38	48	81	12

"It is evident," Harris concluded, "that the American people have not given up hope for a better federal government and better people to lead it. In fact, despite the shock waves that have visited the public over the past 15 years . . . there has never been much evidence that most people have gone sour on the system itself and have finally concluded that it is unworkable." So the political gibes that followed President Carter's July speech had an element of truth in them. To a great extent, the crisis of confidence has been a crisis of faith in the people running the government now and their recent predecessors—in Carter's capacity for leadership and in the capacity of Congress as his partner in the government.

A Crisis of Governmental Competence

If the patterns of the last decade and a half continue, the election year of 1980 will see a rise in optimism. Most people will find in one or another candidate someone in whom to place their trust—more tentatively than before, perhaps, but if not with the old confidence at least with hope. The new president—or Carter, if he is reelected—will then have a year or so during which to demonstrate that the government can cope with what the people perceive to be the country's problems. If the new burst of optimism is followed by another letdown, the basic faith in the political system on which the government rests is bound to be further undermined, with consequences that can only be conjectured.

The fundamental question, then, is whether in the next few years the U.S. government can be made to work—under any leadership. The crisis of con-

[5] *The Harris Survey,* 13 November 1978.

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fidence turns out to be a crisis of efficacy, or competence, in government. After the shocks the country has suffered, can a series of successes follow?

After what has happened, the day of exaggerated expectations about what government can accomplish may have passed, and fortunately so. Yet, if people are to take the trouble to vote, they must expect *something* from the leaders they choose. What is the public conception of a government that works? At a minimum, I suggest, the people expect this much: first, that a candidate for president have a program to address the central problems that concern the people—not necessarily one with all the answers, but at least a philosophy and an approach that give promise of succeeding; second, that the winning candidate then proceed to accomplish the program—again, not in every detail or all at once, but with enough actual achievement to give the public a sense of progress toward the goals that were projected in the campaign. In short, a mandate to lead the country in an indicated direction is sought and given, and then it is expected to be discharged.

That defines the problem of competence in government. What has always existed in the United States is a gap, sometimes narrow and sometimes wide but always present, between the mandate and its execution. The mandate is granted essentially to one person, the president, but it can be executed only through the collaboration of three separate institutions—the president, the Senate, and the House—elected from different constituencies and free to exercise their powers independently. Two-thirds of the senators did not even run in the election that chose the president and hence have no share in the mandate. And many of those who were elected with the president—even those of his own party—may have little more in common with him than the date of their election. They were chosen by much smaller electorates, and they presented their individual platforms and received their own distinct and perhaps quite different mandates.

So presidents have always had some trouble getting their programs through Congress. Yet the public has little patience with presidents who blame their troubles on the legislature. The people choose a president to go to Washington and take charge, and if he fails to achieve the objectives he set out, that is his fault, in their view. They may—and usually do—lay the fault on Congress also, but the waywardness of Congress is a constant, taken for granted, and one of the jobs of the president is to "lead" the legislature. If he fails to get his way with it, then his capacity for "leadership" becomes a political issue, as it has in the campaign of 1980. He is expected to stop the incessant bickering and get things done.

But the degree of harmony among the Senate, the House, and the executive necessary for more than routine and incremental legislation—except in situations of manifest crisis—is not the rule in the U.S. government; it is the exception. One can identify only a few brief periods in the entire twentieth century when relations were close enough—or presidential leadership strong enough, which is the other way of describing it—to achieve major innovations in controversial areas of public policy. The most notable of these were the first two

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years of Woodrow Wilson's administration, when the New Freedom was enacted; the first term of Franklin D. Roosevelt, when the New Deal took form; and the first two years of Lyndon Johnson, when the Great Society was founded. Each of these short but frenziedly active intervals came after a massive presidential landslide, which established the president's credentials as a leader (or, in the case of Johnson's first year, after the assassination of a president, which had the effect of unifying the country behind his successor). In each, the legislative agenda was swept clean of long-pending measures; more new programs were initiated, perhaps, than could be sensibly managed. In between these periods, the agenda of unfinished business grew, because few measures could be passed beyond those clearly required by national emergencies or supported for other reasons by an extraordinarily high degree of consensus in the country.

But the prospects for attaining a sufficient degree of unity among president, House, and Senate to enable the government to move forward confidently and energetically to cope with the country's problems are even smaller now than they were in the time of Woodrow Wilson, or Roosevelt, or Johnson. If attaining governmental competence has been always difficult in the past, it will be even more arduous in the future. For in the last decade or two, the political scene has changed profoundly, and the changes all militate against governmental effectiveness.

Four of the trends, all interrelated, affect the government's ability to formulate policy: the disintegration of political parties, the popularization of presidential nominations, the rejection by Congress of presidential leadership, and fragmentation of authority in Congress that prevents its development as an alternative source of policy integration and leadership. A fifth trend is the gradual deterioration of administrative capability.

Party Disintegration

Political scientists who for generations have pondered the built-in disunity of the U.S. government have generally sought the solution in an institution that the Founding Fathers did not contemplate and that George Washington warned against—the political party. The party, scholars found, was the "web" or the "bridge" that bound together the separate elements of government. As late as the mid-1960s, the political party was strong enough to serve that purpose, when circumstances were favorable. A Democratic president then could lead the Democratic House and Senate majorities for a time because all felt a party bond and a commitment to a party philosophy and program. But in the past fifteen years, a process of party disintegration, already under way, has accelerated. By now, the web has lost much of its tensile strength, the bridge its carrying capacity.

What held American parties together was not so much their ideologies or their programs (except in periods of realignment, like the 1850s or the 1930s, when for a brief time issues predominated) as two other factors: patronage and the

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control of nominations for the elective offices that dispensed the patronage. In the past 100 years, these two bonds have eroded almost to the point, now, of nonexistence. Patronage has been diminished by civil service, by the creation of public agencies to dispense welfare benefits once handled by the parties, and by the development of the ethic—enforced by open and quasi-judicial processes of administration monitored by the media as well as the courts—that partisan favoritism shall be forbidden in the distribution of governmental benefits. And the control of nominations has passed almost completely from the party's leadership to its mass membership—in other words, to the public at large—through the direct primary system. At the national level, that revolution is now complete. Until 1968, party leaders still had some part in choosing presidents; now a state chairperson or national committee member has not much more influence than any other individual voter. Parties are even giving up the business of campaigning; candidates are marketed through television by advertising specialists.

One can hardly regret the passing of old-style political machines, with their corruption, bossism, and cronyism. Few persons nowadays suggest returning to the "smoke-filled room" as the way of selecting presidents. The new ideal is for open, participatory parties, united by program objectives rather than by patronage. Yet only in a few places do such new-style party organizations have cohesion approaching that of the old machines (and even in those places, their durability has yet to be proved). Consequently, within what are loosely referred to as the Republican and Democratic "parties," the trend has been steadily toward an every-candidate-for-himself kind of campaign.

Today candidates for the House and Senate—sometimes even presidential candidates—refer to the party platform rarely and reserve the right not to be bound by it. The platforms of presidential candidates are whatever they say they are during the campaign, but the candidates speak only for themselves, not for those who share the ticket with them. The latter have their own platforms. So when those who together carried the standard of the victorious party take office, they do not necessarily have a common program or even a shared philosophy. And not since Wilson's first two years, when the House and Senate Democrats held caucuses to hammer out the party program and bind the party members to support it, has there been in either party even a mechanism for formulating a party program. During the two later periods of historic legislative achievement, under Roosevelt and Johnson, the party's program was simply announced by the president, and because he had demonstrated overwhelming popular support in a landslide election, Democratic senators and representatives closed ranks behind him. But party cohesion lasted only as long as popular support for the president remained at its crest. When it began to fade, legislators again looked to their own constituencies for their own mandates and began to go their own ways. Coalitions, such as the old Republican-Southern Democratic alliance, formed across party lines and often took effective control of one or both houses of Congress.

The political party has been steadily weakening, then, as a force for unifying

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the separate policymaking elements of government—president, House, and Senate—even when all are controlled by the same party. But with the decline of parties and the concomitant rise in independent voting has come a new phenomenon of extraordinary import for governmental competence—divided party control. As voters pay ever less attention to the party label, picking and choosing among candidates (for the presidency, at least) as individuals in a kind of personality contest, straight-ticket voting disappears. In personality contests, because neither party has any inherent advantage, the winners are distributed between them on a random basis. The result in the case of the president and Congress has been for more than two decades what random selection would be expected, mathematically, to dictate. Half the time the country has had divided government, something rarely known in the days of strong party organization and identification. During the twenty-six years from 1955 through 1980, the Democrats have continually controlled Congress, but during fourteen of those years the Republicans have held the presidency—six years of split control when Dwight Eisenhower was in the White House and all eight years of the Nixon and Ford administrations.

At such times, the normal tendency of the U.S. system toward deadlock becomes irresistible. Harmonious collaboration, barring national crisis, is out of the question. The president and Congress are compelled to quarrel. No presidential proposal can be accepted by the legislature without raising the stature of the president as leader. Similarly, no initiative of Congress can be approved by the president without conceding wisdom to his enemies. The conflict, bickering, tension, and stalemate that characterized the fourteen years of divided government were inevitable.

Given the continued predominance of personality as distinct from party voting, the odds are close to fifty-fifty that in January 1981 the country will enter another four years of divided government and its accompanying incessant conflict. If that happens, confidence in government can only be damaged further. When the president is constantly denouncing Congress as prodigal and irresponsible, and Congress in turn is rejecting his ideas as fatuous and unworthy, will not the people inevitably come to believe both?

But the bonds of party have proved too weak to bridge the gap between the branches even when the president and the congressional majority are of the same party, as they have been since 1977. President Carter's first term has not been one of the rare historic periods of fruitful collaboration, and the limited legislative output—as in the case of energy—has disappointed almost everyone. The effect on public confidence in government has been direct, and disastrous. To the data on public opinion presented above can be added one more item: A *Washington Post* poll in July 1979 found that two-thirds of the sample believes that President Carter and Congress have not worked well together. Of those, 86 percent said that lack of cooperation was harmful to the country. They absolved neither Congress nor the president, although they considered the legislature somewhat more at fault.

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Haphazard Presidential Selection

In all democratic countries, by definition, the people make the final choice among the parties' nominees for national leadership. But only in the United States do the people themselves also make the nominations.

When the state presidential primaries became the mode rather than the exception after 1968, a basic safeguard in the presidential election process was lost. Previously an elite of party leaders performed a screening function. They administered a kind of competence test; they did not always exercise that duty creditably, but they could. More important, however, they could—and did—ensure that no one was nominated who was not acceptable to the preponderance of the party elite as its leader. Even if a candidate swept the limited number of primaries, he could still be rejected, as Senator Estes Kefauver was in 1952. Usually, then, the nominee was an insider in the political system—a person who had established some credentials as a politician or an administrator, or both—a figure of national stature and of demonstrated competence. The party leaders who approved the nomination were then prepared to follow the nominee and to mobilize the party on his behalf.

Since 1968, all that is changed. There is no screening mechanism. A party's nominee for president now is someone who has been able to devote enough time to shaking hands in the early primary and caucus states and to forming an effective get-out-the-vote organization there, who has raised enough money to put himself on television throughout the primary season, and who has proved to have popular appeal. He may be an outsider to the national political process. He may have no experience in the federal government he seeks to head. He may be a neophyte in dealing with complex issues of foreign relations and the domestic economy. He may be in no sense the natural leader of large and crucial elements of his own party. If elected, he may be a stranger to the people in Congress with whom he has to work, and he may have little sense of how to get along with them. He may have little idea of the kind of talent he needs to help run the executive branch, and no network of experienced advisers to help him find them. All this was true of Jimmy Carter.

A president may have the capacity to learn fast, as seems to have been the case with Carter—at least in some elements of the job. But that, if true, is pure luck. And in any case, for a country suffering a crisis of governmental competence, it is perilous to devote the first year or two of a new administration to little more than on-the-job training for an inexperienced president and an even more inexperienced entourage, without knowing how much competence will prove to be there when the training period ends.

Without passing judgment on President Carter's personal capacities, about which people differ, this much can be said with certainty: those who find this particular president—or any successor—deficient as a national leader should look with some urgency to the shortcomings of the system that selected him. Jimmy Carter, the outsider, would not have been the nominee in 1976 of an

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organized political party; he is what can happen when the choice of party leader is taken entirely out of the hands of the party elite and turned over to the people.

In this lottery, some future president—if not chosen in 1980, then in some future year—could conceivably have all of Jimmy Carter's weaknesses without his strengths. The adverse effect on competence in government—and public confidence, and national malaise—would be immeasurable.

Rejection of Presidential Leadership

The theorists who envisaged the majority political party as the institution that would unify a government of separated powers considered the president as the leader of the party, the natural leader of the government. And this view went beyond the theorists. The public at large has come to look upon presidential leadership as an essential feature of twentieth-century government in the United States. Looking back over history, it is the strong presidents—Washington, Jefferson, Jackson, Lincoln, the two Roosevelts, Wilson—whom Americans revere. The presidents of the nineteenth century who limited themselves to presiding over the executive branch, while letting Congress direct the nation's policy, are forgotten. And just as the public came to expect presidents to be strong leaders, so did the nation's politicians—including those in Congress.

Indeed, the modern powerful presidency could not have been created except by Congress. The presidency did not grow by seizing power. Rather, statute after statute—many initiated by Congress itself—bestowed new functions on it. The Budget and Accounting Act of 1921, a congressional initiative, required the president to lay out a program for the entire government—which chief executives had not done before. The Employment Act of 1946 required the president to have an explicit program for economic prosperity, growth, and stability—which, until the Great Depression, presidents had not had. The National Security Act of 1947 affirmed the president's primacy in foreign and national security affairs. Beginning with Franklin Roosevelt, Congress expected the president to lay out its legislative agenda, to plan with the Senate and House leaders the strategy and tactics to get the legislation passed, and to help gather the votes. In short, the president was installed as the effective head of the legislative branch. Congress organized itself to respond, to criticize, and to follow, but not to lead.

Because this concept necessarily depended on the willingness of the legislative majorities to accept the presidential leadership, it was bound to run into serious trouble in the years from 1955 through 1960, the first of the two periods of divided government that mark this mid-century. In foreign and military matters, the Democrats who controlled Congress were inclined not to challenge Eisenhower's enormous prestige, but in domestic affairs he had no equivalent respect. On those matters, they refused to follow where he led, and he, as might be expected, was even less inclined to follow them. So the government went through six years of stalemate and drift, able to adopt noncontroversial

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measures or compromise on incremental legislation but unable to accomplish more. Later, in the second period of divided government from 1969 through 1976, the model of presidential leadership and congressional followership collapsed entirely.

Had Nixon been another Eisenhower, benign and somewhat passive in his dealings with Congress, the model might have survived. But in Nixon's first term, he became increasingly the aggressive partisan. By the end of that term, he was pushing his powers to the limit, seemingly determined to impose his program on the country, in defiance, where necessary, of the legislative branch. In doing so, he aroused the collective anger of Congress and provoked it to fight back.

A series of events converged in the winter of 1972–73 to bring executive-legislative relations to a crisis and arouse a wholly new congressional assertiveness. One issue was fiscal policy: Nixon had humiliated Congress in a struggle over a spending ceiling in the fall; when Congress failed to come up with the budget cuts he demanded, he took power into his own hands and impounded $9 billion, thus unilaterally repealing laws Congress had enacted. Another issue was the war power, a question that had been long festering: while Congress was in recess, Nixon without consultation intensified the bombing of North Vietnam and mined the port of Haiphong. A third was executive privilege: Nixon was asserting unlimited power to withhold any information from Congress, solely at his own discretion.[6] A fourth was reorganization: Nixon put into effect the basic features of a plan for reorganizing the executive departments that Congress had explicitly rejected.

When the Ninety-third Congress assembled in January 1973, its members were in a fighting mood. But it was also a mood of great anxiety. The members sensed that, as Senate Majority Leader Mike Mansfield put it, "the fault lies not in the Executive Branch but in ourselves." The problem, they finally admitted to themselves, ran deeper than just the curbing of the Nixon excesses. Even without these, Congress had lost what its members repeatedly referred to as its coequal status under the Constitution. And it had done so consciously and deliberately, in successive abdications. It had built the presidency, one brick at a time, into the structure that now towered over the legislative branch. It had elevated whoever occupied the White House to the dominant figure in the government.

In the course of a single Congress, the Ninety-third, of 1973 and 1974, the legislature went a long way toward rectifying the previous six decades or so of continuous decline. As the Watergate scandal closed in on Nixon, Congress took advantage of a collapsing presidency to shift the balance. It did all it could

[6] Statement by the president, 2 March 1973, *Public Papers of the Presidents* (Washington, D.C.: Government Printing Office, 1973), pp. 184–86. Testimony of Attorney General Richard G. Kleindienst before subcommittees of the Senate Government Operations and Judiciary Committees, 10 April 1973, *Executive Privilege, Secrecy in Government, Freedom of Information,* pp. 18–52, especially pp. 45–46 and 51.

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by law to recapture the war power—or at least a partnership role in it—through the War Powers Resolution, enacted over Nixon's veto. It regained control of fiscal policy—the power of the purse—through the Congressional Budget and Impoundment Control Act, accepted by Nixon in one of his final acts in office. (Meanwhile, President Nixon voluntarily discarded his reorganization scheme, and the Supreme Court stripped him of his claimed unlimited right of executive privilege—though it did not define what the limits were.) Beyond those specific statutory monuments of the new assertiveness, the congressional mood expressed itself in many diffuse ways. Both houses officially instructed their committees to exert more effort in overseeing the administration of the laws, and for the first time the legislature looked closely at agencies it had earlier let slip out of sight, including the Central Intelligence Agency. A device that had been used somewhat sparingly, the legislative veto of contemplated administrative action, was extended over a new and wide terrain. And Congress entered a phase of freer intervention in matters of foreign policy.

All these actions enabled a Democratic Congress to assert leadership and control over an executive branch that at the time was in Republican hands. But in 1977, the presidency reverted to the Democrats again. What, then, of the new relationships? In practice, there was a pronounced easing of tensions. Mutual recrimination largely ended. Rather than being under compulsion to try to discredit a president of the opposition party, the congressional majorities found themselves under pressure to make their own president look good; party labels had not lost their meaning altogether, and congressional Democrats had to expect to run on the same ticket with Jimmy Carter in 1980. By the same token, the president had to be conciliatory because he knew he would need the support of all those Democrats in their states and districts. Democrats in both branches had a political interest in the record on which they all would run.

Nevertheless, the formal balance of power has remained the same as it was when Gerald Ford was president. All the innovations of the Ninety-third Congress have remained in effect—war powers, budget process, impoundment control, legislative veto, expansion of oversight activities. The aggressive and vastly enlarged congressional staffs that were formed when Congress resolved to reject the leadership of a Republican president and to oversee and control executive activities have not been disbanded, and they would find scant joy in working for a passive Congress that followed presidential leadership. Congress shows little tendency toward relinquishing any of its new authority; while moderating the tone, it is not giving up the substance of the new assertiveness.

This would be no problem if Congress had the capacity to set the country's course, as the substitute for presidential leadership. But there are severe limitations on the capability of the legislative branch to develop integrated and coherent policy. If the model of presidential leadership and congressional followership is to be discarded (or suspended), no fully satisfactory alternative model of congressional leadership has yet been designed to take its place. And recent trends within Congress make it even less likely than before that such a model can be devised.

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Limitations on Congressional Leadership

Whatever else may be said about it, the executive branch is well organized to prepare a comprehensive and internally consistent governmental program. With its hierarchical structure, it can represent divergent views at the lower levels but blend and reconcile them at higher levels, with a point of decision at the top. Each autumn the entire executive branch goes through an elaborate process of policy integration, out of which emerges "the program of the president." During this process, contradictions among specific programs and policies can be worked out, so that their aggregate effect will serve the broad policy objectives—fiscal, economic, foreign, military, urban, energy, and so on—that the president has set. The program of the president—and it is significant that the noun takes the singular form—is embodied at the beginning of each new year in a series of state papers, the State of the Union Message, the Economic Report of the President, and the budget. These are followed by supplementary special messages spelling out specific legislative proposals.

Congress, in contrast, had no mechanism for policy integration when its era of resurgence began in 1973. Its policy decisions had traditionally been piecemeal, put forward by separate committees and considered separately, at different times, by two independent houses, without benefit of any controlling philosophy or set of policy objectives for either house, much less for the legislative branch as a whole. That had worked reasonably well, most of the time, because Congress had been willing to look to the president to do the integrating. It could then modify and adapt and adjust the elements of the president's program, without destroying its essential unity. But in the era of the new assertiveness, Congress insists upon a freedom to reject the president's program outright. During the period of divided government that ended in 1977, it did just that, and in future such periods it will surely do so again. In that event, the government's policymaking process—barring congressional reorganization—will be left without even a coherent body of policy objectives and proposals acceptable as a basis from which to begin.

The competence of the policymaking processes depends, then, upon the extent to which Congress, in assuming its new responsibilities, creates new machinery to match. But any effective mechanism for establishing broad policy objectives and developing a coordinated and integrated program to support them would require the delegation of considerable new power to the congressional leadership, or to powerful centralized committees of some kind, and centralization of power runs directly counter to the current temper of Congress. Ever since "Czar" Joseph G. Cannon was dethroned as speaker in 1910, the trend in the House has been toward dispersal of power, and the trend gathered new force in the 1970s when committee chairmen were stripped of much of their power and the seniority system that protected them was abolished. The same tendencies have been apparent in the Senate. If one characteristic of Congress of the 1970s has been the new assertiveness, another can be called the new individualism. And they are basically incompatible.

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Political individualism is both the consequence and the cause of the decay of parties, which was discussed above. As the old-style machines faded away, either the vacuum was filled by new-style, program-oriented party organizations—widely participatory, undisciplined, individualistic—or it was not filled at all. In either case, from this different political milieu came a new kind of candidate, for Congress as well as for other offices. Because these new candidates did not rise through disciplined organizations, they are individualists from the beginning of their political careers. As candidates they were self-selected, self-organized, self-propelled, self-reliant, with no habit of being deferential to the established and the powerful, and they will not be so in Congress, either in committee or on the floor. When there were enough of this type of member in Congress, the nature of the place was bound to change.

And everyone agrees it has. In both houses new members are seen as being different from their elders and introducing new modes of conduct. "Sam Rayburn used to be able to glare people down," said House Majority Leader Thomas P. O'Neill, Jr., in 1974. "These new members are brighter, better educated, more talented. . . . You just don't glare these people down." The House, said O'Neill, is "extremely difficult to coordinate." Machine politics "is dead" in the country, he went on, and hence in the House as well.

And that was even before the Watergate class of 1974—the largest body of newcomers since 1948 and surely the most assertive in many years. A survey of House members by the *Washington Post* in 1975 showed that a majority of the members thought the class of 1974 was indeed different from its elders. The new members were described as "wild, uninhibited . . . feeling their oats," "less willing to go along to get along," "in a hurry to make a record," "younger, brighter, more active, involved and vocal," "more questioning of our institutions." The younger members "resist the idea of elders calling the tune," was a news magazine's summary in April 1975. But the elders did not really try—not in the old manner, at any rate. "The 'go along, get along' idea never has been pressed by the leadership," testified Jerome A. Ambro, chairman of the freshmen Democrats' organization in 1976. A member of the leadership, Chief Deputy Whip John Brademas put it this way: "1976 is not 1966 and it's not 1956. I don't think, given the changes in American society, that intelligent and highly motivated young men and women will sit back and wait for a few years before speaking out." "The juniors are no longer on their knees," said Senator Adlai E. Stevenson, in his fifth year in Congress in 1975. "We're not asking, we're demanding. We're organizing and using power."

"No one can lead men and women who refuse to be led," complained journalist David S. Broder in 1975 in diagnosing the ills of a "floundering" Congress. "The House juniors have overthrown the old power centers. Yet they consistently refuse to heed even those they installed in power." The Democratic Study Group that year found the lowest party unity scores in twenty years.

Speaker O'Neill, who took office in the following Congress, is generally credited with being the strongest speaker since Rayburn. Yet the attitude of the membership toward party discipline appears essentially unchanged. "It is . . . an

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atomized House, increasingly resistant to leadership," wrote another newsman, Dennis Farney, in 1979. The members themselves confirmed the judgment. "It's not enough any more to say to people that the leadership is for something, so they should be for it," remarked Representative Richard A. Gephardt of Missouri, an influential junior Democrat; "people vote for things if they want to vote for them."

With so unruly a followership, the tendency of the leadership in both houses has been to avoid trying to impose its will, or at least to choose its fights carefully to avoid risking defeat and exposing its weakness. "I don't twist arms. I shake hands," was Speaker Carl Albert's way of putting it. "The Senate never wanted a leader," observed Senator Edmund S. Muskie, "and it has seldom had one, at least not one in the sense of somebody who could mobilize a majority." "I don't feel pressure to go along with the party position," said Senator Gary Hart, a first-term Democrat from Colorado, in 1979. But the party position in the Congress is still either the president's program or none at all. Neither in the House nor the Senate, even in the periods of divided government, has the majority leadership presumed to put forward any alternative program of its own; it has not even made policy pronouncements or assembled a staff that in size or backgrounds would enable it to do so.

Nevertheless, Congress has experimented with a device for policy integration more in the pattern of legislative bodies—the committee. In the important field of fiscal policy, new machinery has been created: a budget committee in each house and a Congressional Budget Office to provide analytical support. That machinery has been remarkably successful on the whole, far exceeding the expectations of most observers (if it is judged on its ability to produce a considered and rational congressional fiscal policy, not if it is judged solely—as some critics insist on doing—on whether that fiscal policy conforms to the critics' view of what the policy should be).

The House and Senate budget committees, through a process analogous to that of the executive branch, prepare in the early months of each year their versions of an integrated budget and fiscal policy. Each house acts on the policy developed in its committee, and after the two bodies have reconciled their measures in the usual way through a conference committee, the agreed-upon resolution, adopted in May, serves as a guide to all committees and to both houses thereafter. In the fall, Congress reviews its earlier decisions and, in the light of subsequent actions, sets its final policy. With the new process, formerly acknowledged irresponsible procedures of Congress have given way to responsible ones. Assuming that the process continues to work as it was intended to (which may be open to some question because, as this article is being written, it appears doubtful that the budget committees will be able to enforce the spending ceiling adopted by the two houses for 1979–80), Congress will have developed a wholly new policy leadership capacity of its own.

But the happy precedent of the budget process has not been extended beyond the fiscal field. True, Speaker O'Neill experimented in 1977 with the use of ad hoc committees as integrating devices in two other fields, energy and welfare.

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They did serve to overcome jurisdictional jealousies and bring forward a legislative product with remarkable dispatch (if only by adopting essentially the administration's program). But this promising device can at best be used only on a limited number of issues in any session. And, lacking the statutory deadlines of the budget process, it does nothing to compel the integration of House and Senate policy. The welfare bill produced by the House ad hoc committee and passed by the House was not even seriously considered in the Senate. And the momentum of the House energy bill was wholly lost in a conference committee deadlock that was not broken until the end of the next session in the following year. Since then, O'Neill has not repeated the experiment.

With no continuing integrative devices except in the field of fiscal policy, Congress cannot prepare a comprehensive program corresponding to that of the president. If the budget process continues to provide a means for bringing the spending and revenue components of all its legislation into harmony with a general fiscal policy, Congress will have solved a considerable part of the problem of program integration, but by no means all of it.

Both Congress and the president have recognized that the many policies that have an impact on urban areas should be brought into consistency with a general urban, or urban growth, policy. The president has contended, and Congress appears to agree in principle (as shown by its ad hoc committees), that the country needs an integrated energy policy. Not all economic policy is encompassed within budget policy; Congress created the Joint Economic Committee to consider all elements of economic policy in relation to one another, but since the committee is strictly advisory, without legislative jurisdiction, it is in no position to produce and implement an integrated economic policy for Congress.

Most crucial of all is the realm of national security. More than three decades ago, Congress established the National Security Council as the instrument for coordination of foreign and military policy in the executive branch, and throughout the postwar (as well as during the war), the executive branch has been committed to the concept of policy integration in this broad area. Every aspect of foreign relations and every issue relating to the size, composition, and deployment of armed forces have been subject to constant examination in terms of a central strategic question—how the fundamental competition between the U.S. and Soviet systems would be affected.

Yet Congress, when it set up the National Security Council, organized no comparable machinery on Capitol Hill. This caused no great difficulty until the late 1960s, because in national security affairs presidential leadership was taken for granted. But then came the schism over Vietnam, and the new assertiveness spread to foreign policy. With a deep sense that it had been misled, deceived, and betrayed by presidential leadership, Congress began to make foreign-policy decisions. And here the new individualism manifested in its most chaotic form. Various committees in the two houses went their separate ways, and the committees themselves were fragmented. Leadership began to come from almost anywhere, inside or outside those committees, unpredictably. On a series of critical issues—aid to Vietnam, the Greek-Turkish clash over Cyprus, interven-

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tion in Angola, Jewish emigration from the Soviet Union, the Rhodesian chrome boycott—Congress took it upon itself to reverse the presidential policy. Yet it did so on a piecemeal basis, emotionally, under the pressure of constituency groups at home, sometimes almost whimsically, rejecting presidential strategy without the benefit of any substitute global strategy of its own. General George S. Brown, chairman of the Joint Chiefs of Staff, remarked that conducting foreign policy in the United States was like being in a chess game where one of the players has a kibitzer who "occasionally reaches in and moves a piece and thereby screws it all up."

People may disagree as to whether the president or Congress, in the individual instances, proposed the right solution. But to debate that point is to miss the fundamental question, which is the method by which decisions are made. Given the present state of congressional disorganization, the choice is to have a national security and foreign policy made by the president or not to have a coherent and consistent policy at all. If one concedes an element of truth to the chess game analogy and acknowledges that decisions on Cyprus or Angola or Indochina need to be taken with full regard for their bearing upon the central relationship with the Soviet Union, then the new assertiveness of Congress without organizational reform to match can only be cause for deep concern. The new assertiveness compounded by the new individualism becomes the new anarchy.

Deterioration of Administrative Competence

The discussion thus far has concerned the difficulty of making policy through the legislative process. But the crisis of competence extends to administration also. Getting sound and adequate legislation passed—in the field of energy, say—is only part of the problem. The other part is achieving the legislative goals with faithfulness, dispatch, and equity.

That requires administrative skill, at all levels of the executive hierarchy. But it is the top level that is critical, for improvement of administrative skill at the lower levels is one of the responsibilities of top management, which institutes an organization's policies for selecting and upgrading the men and women who make up its staff and then motivates, directs, and supervises them as they carry out their duties. And at the top levels of the U.S. government, administrative capability has been allowed to decline, over a long period, with a resulting loss of capacity throughout the executive branch.

This is necessarily a subjective judgment because there are no direct measures of administrative capability. But it is a judgment widely shared by the general public. The people clearly see their government as wasteful, inefficient, and "bureaucratic"—a catchall term connoting insensitivity, rigidity, and a devotion to procedure for procedure's sake. Indeed, the title "civil servant," once a term of respect, has been replaced by "bureaucrat," usually uttered as an epithet. Important elements in Jimmy Carter's appeal as a candidate in 1976 were his promises to reorganize and simplify the government and to eliminate

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waste. His civil service reform bill was supported with enthusiasm by Congress and the public because he presented it as the way to rid the "bureaucracy" of drones and deadheads. Besides being a campaign issue, administrative capacity is a legislative issue when any measure proposing a new program—national health insurance, for instance—is advanced. "Would you want the *government* to run that?" is always one of the questions asked, and the opposition gains support from the pervasive assumption that, if the government takes on responsibility for anything, it will bungle it.

But even widespread perceptions can be wrong. A conclusion that the government is in fact administratively weak must rest on other grounds. I rest my own judgment on several rather elementary propositions that, I believe, have been proved through the experience over a long period of many organizations—particularly business organizations, which prize managerial capability—and are generally accepted by them. These propositions are:

—a person selected for a top administrative or managerial post on the basis of demonstrated administrative or managerial capacity is more likely to possess that capacity than one chosen for other qualities.

—a person with administrative or managerial experience is not likely to be a fully effective administrator in an organization highly dissimilar to the one in which the experience was gained until after a period of acclimatization.

—a person's administrative or managerial competence improves with experience, not only administrative experience in general but experience in a particular organization, until physical and mental vigor begin to decline.

If these propositions are correct, it is easily demonstrated that the U.S. government has been losing administrative capability, because each of the precepts implicit in them has been violated on a growing scale. Except for a few areas of the government that have been the domain of elite organizations—the military, the foreign service, some technical bureaus—management in the U.S. government has been entrusted to a steadily increasing number of political appointees. These are persons who are brought in by each new administration mainly from outside the government, who are chosen primarily for qualities that are distinct from administrative competence—their policy views, the constituencies they represent, the political services they have rendered, and so on—and who, for the most part, do not stay in the government long enough to become skilled governmental managers. Those who do stay are replaced in any case whenever the White House passes from one party to the other.

The United States is unique in this regard. Other countries severely restrict the number of political appointees placed at the head of executive departments. Those appointees function as policymakers, not as managers; management is the responsibility of a corps of career administrators with long experience, who— though doubtless there are exceptions—have risen to the top on the basis of demonstrated administrative competence. But in the United States the notion that there should be a corps of career governmental administrators who would

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be politically neutral, serving with equal loyalty whichever party came to power, has never really taken root (again, with the exceptions of the military, foreign service, and technical bureaus). After Andrew Jackson, at least, administrative jobs were seen as patronage, to be distributed as rewards to party organizations. When the civil service system was established, top positions were exempted, and through the years the exempt layer at the top has widened. The process has been called politicization of the civil service; it could also be termed amateurization.

The trend has been particularly marked since 1952. The quality and the capability of the civil service perhaps reached its peak in that year, for the reason that the country had seen twenty years of control by the same party, which happened to be the Democrats. This does not mean that the Democrats are more favorably disposed toward professional civil servants than Republicans, only that partisan control of the executive branch had not changed for two decades, and young persons who entered government service early in the Democratic era had risen through the ranks to high positions. Managerial jobs at the "political level" were filled in many cases by careerists, as the Roosevelt and Truman administrations learned that persons trained in the government's own bureaus not only were equal to outsiders in native talent but also had the added advantage of years of pertinent experience.

The problem was that these civil servants were assumed to be Democratic sympathizers rather than political neutrals in the tradition of a European administrative corps—and, to a large extent, the assumption was correct. They had been enticed into government service, in many cases, by the excitement of the New Deal. All their service had been under Democratic presidents. Their promotions had come from Democrats. So when President Eisenhower took office in 1953, they were suspect. Some left voluntarily, some were asked to leave, and the new administration brought in outsiders with Republican credentials to replace them.

Since then, the process has been repeated regularly, at eight-year intervals, and on a steadily expanding scale. Politicization progressed downward through the administrative levels, and outward from the Washington headquarters to regional and field offices, particularly in agencies administering politically sensitive programs. As it did so, the ceilings on the aspirations of career civil servants were lowered. The more enterprising of the careerists tended to leave; others tended to avoid responsibility and identification with the party in power. Each incoming administration, finding a career force drained of talent and enterprise, naturally looked outside. The result was politicization of more jobs, thus further damaging the career service, which provided the incentive for further politicization, and so on, in a vicious spiral.

No business organization operates that way, or could survive if it did. But management-by-amateurs is now generally accepted as the right way to run the government and is taken for granted by politicians and by the general public. Establishing professionalism and continuity in governmental management, on the European model, is not even on the agenda of public issues. But it is difficult

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to see how the crisis of governmental competence can be overcome without a strong and conscious effort in that direction.

Searching for Remedies

None of these five interrelated trends is easily reversed. Each arises from fundamental forces within the American political culture and has become more or less an established habit of political thought and action. Traumatic historical events can set new forces into motion, which in turn can alter the way people think and act, but between such events existing institutional patterns remain and solidify. However, the crisis of confidence in government the country is now experiencing may prove to be in itself a traumatic event. Some change has already occurred, and if the government continues its record of failure, advocates of more fundamental institutional change will surely gain a growing audience. Even so, consensus on specific remedial measures will be difficult to attain, even if appropriate measures can be conceived.

There is no lack of persons who deplore the decline of political parties. Leaders of the two parties would surely like to head stronger organizations, but they have found no way to bring them into being. People do not identify with parties, join them, support them, and believe in them as an end in itself (except, perhaps, in the few places where anachronistic, patronage-oriented machines survive). Parties are embraced, rather, when people see them as useful means toward achieving some desired public policy. Parties have formed, or reformed, at times when great issues have seized the country and polarized the voters—as the slavery question did in the 1850s, or populism and free silver in the 1890s, or relief of hunger and unemployment in the 1930s. At such times, new parties spring into being or old parties take on new meaning because they become instruments for the achievement of goals about which the voters deeply care. But such powerful issues come and go, and when they have gone the parties begin to lose relevance. The last period of polarization, when the current alignment of the two-party system was shaped, is by now almost half a century past. To young people in particular, what the parties stand for, what the difference is between them, why they matter, even why they exist, have become obscure. Revival, then, depends on something outside the party system itself—some kind of crisis that will arouse the people, polarize them, and impel them to organize politically to attain their ends. In the meantime, advocates of stronger parties can do little more than remain alert to the incidental effects on party organizations of particular legislative measures, specifically those governing elections. Public financing of campaigns, for example, can help or hurt parties, depending on whether the money is disbursed to the party that nominates the candidate or directly to the nominee.

Parties would be strengthened, and some of the risk removed from the presidential selection process as well, if the trend toward proliferation of presidential primaries could be reversed. Conceivably, a retrenchment in the

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primary system could begin spontaneously in the 1980s in reaction to the exhaustion and the expense of the long ordeal that the presidential campaign has become. Such a swing away from the direct primary occurred early in this century; after the initial burst of enthusiasm for the new device during the Progressive Era, some eight states repealed their laws and others made significant modifications to give the party leadership more control over the choice of convention delegates. But there are few signs now of any such reversal. The voters seem to prefer the primary system. Widespread participation, open decision making, and freedom from "boss control" have become accepted as political ideals. The states that have primaries enjoy the attention of the media and the business the primaries bring in. The party organizations that would be the natural advocates of a return to less participatory proceudres hardly exist to lead any such struggle. And finally, even if some states discarded primaries in favor of choosing delegates through caucuses and conventions, the rules that require the caucuses to be open and to encourage wide participation, and that serve to discourage the selection of uncommitted party leaders as convention delegates, would undoubtedly remain. So the risks inherent in allowing tens of millions of voters, rather than party elites, to choose the presidential nominees are not likely soon to be eliminated.

In contrast to the changes in the party and electoral systems, the breakdown of presidential leadership and the accompanying new assertiveness of Congress are the result not of long-term forces but of a series of events. As the memory of these events fade—if, in other words, presidents continue to behave in the relatively restrained fashion of Gerald Ford and Jimmy Carter and continue to be open and candid with Congress—it is reasonable to expect that the same fundamental forces that brought about the modern strong presidency in the first place will again assert their influence.

That is not to say that the pre-Nixon balance of authority between the branches will be restored—nor should it be. The old norms of presidential dominance and congressional passivity contained dangers that are now clear to everyone, including members of Congress. In any case, the many profound institutional changes made in the past eight years to undergird the legislature's new importance will not be undone; Congress will not repeal the War Powers Resolution or the Congressional Budget and Impoundment Control Act, nor is it likely to disband the vastly enlarged staffs that enable it to exercise tighter control over the executive and play a greater role in the legislative process.

Yet there can be some retreat. Congress seems already to be indentifying what can perhaps be called the excesses of the new assertiveness and to be modifying them. The congressional intervention in operational decisions of foreign policy that marked the Ford administration has diminished in the Carter period. And the tide of legislative veto provisions may have crested; the sheer workload that is imposed on an overburdened Congress by each new veto clause is bound to compel second thoughts about adding any more.

So it is not unreasonable to expect a gradual warming of relations between

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president and Congress, a restoration of greater trust in presidential leadership, and a resultant reinstatement of the efficiency of the policymaking processes—*provided* that the lottery of presidential selection installs in the White House a candidate with a reasonable measure of the credentials necessary to become accepted as the leader of the congressional majorities. A look at the field of candidates in 1980 suggests that whoever is elected this fall will have a strong probability of acceptance as leader of Congress—if it is controlled by his own party. For the Democrats, President Carter is no longer an outsider and Senator Kennedy has never been one. For the Republicans, any president elected with Republican majorities in Congress would take office as a phenomenally powerful leader because he would take the credit for carrying those majorities into office with him—and, in 1980, that would mean unseating at least nine Democratic senators and fifty-nine representatives. In any of these circumstances, the prospects for progress toward more harmonious and fruitful relations between president and Congress would be good.

There remains, then, just one circumstance that could severely set back the progress. That would be a decision by the voters in 1980 to deny a clean victory to either party—that is, to inflict divided government once again upon the country.

In an article that concluded the Brookings Institution's volume of *Setting National Priorities* published in 1976, I laid much of the blame for the governmental ineffectiveness of the preceding years on the incessant, bitter conflict between a Republican president and a Democratic Congress. Before any improvement in governmental performance could be expected, I argued, that error would have to be corrected, one way or the other. Either Congress should be given a Democratic president to lead it, or a Republican president should be given a Congress of his party. Let each voter choose whichever party ticket appeared superior, but vote it straight. The message was not received, of course, and in November, voters split their tickets with as much abandon as ever. Yet by the random consequence of their choosing among candidates on the basis of whatever considerations moved them, divided government was in fact ended. Later, when it became clear that Jimmy Carter was having his own troubles with Congress, I was chided as having overestimated the difference that undivided party control of government, in itself, would make.

Yet some improvement in relationships is undeniable. Presidential proposals have at least been given a hearing in Congress, instead of being rejected out of hand because they came from the leader of the opposition party. Congressional initiatives have been accepted by the president, rather than vetoed automatically. Compromises have been hammered out more readily among fellow partisans than across the party lines that previously separated the branches. As noted above, Congress has shown a marked reluctance to upset Carter's foreign policy, where it showed no such forbearance in reversing that of Ford. The tone of communication has changed; where there was loud recrimination before, there has been in the past four years no more than quiet grumbling. That in itself must have prevented public confidence from dropping further.

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The promise of undivided government was limited, however, by other factors, some of which have already been suggested. In 1976, Jimmy Carter was the archetype of the outsider that only in America can be thrust largely unprepared into the top position of governmental leadership. Rarely has a new president been in a weaker position to try to act as the country's legislative leader. But, for the reasons given earlier, if the voters give the country an undivided government in 1980, these circumstances are not likely to be repeated. Those voters who mark a straight ticket for the national offices on their ballots can expect to realize in fuller measure than after 1976 the potential benefits of unified control of the executive and legislative branches.

If, despite all this gratuitous advice, the voters nevertheless choose divided government, Congress will be little better equipped than it was before its resurgence in 1973 to set the country's course. Fragmentation and dispersal of authority within Congress reflect the disintegration of political parties in the legislature as in the country, and the new individualism can be expected to prevail until new and unforeseeable issues arise to bring about the creation of a new party system or the rejuvenation of the old.

As for the improvement of administrative capability, any movement toward a remedy would depend upon a higher degree of consensus than now exists as to the nature of the problem. If the analysis offered earlier were accepted, the way to proceed would be clear enough: the number of politically appointed, amateur managers in the government would be drastically reduced and a professional corps of career administrators would be developed to assume enlarged responsibilities. In essence, the United States would adopt the European model, with a clear distinction between a thin layer of political policymakers at the top and a neutral permanent civil service responsible for implementing the policies. The objective would be to provide each top political appointee—cabinet member, bureau chief, and so on—with a deputy from the career service who would have the necessary experience and training, the knowledge of how to use the resources of the organization, and the managerial skills to make the policies effective.

But the decision to move in that direction would have to be made by the policymakers themselves, and for every politician in the new administration who would favor an expansion of the role of the career civil service, there will undoubtedly be many who would seek the solution to administrative incompetence by moving in the opposite direction—by supplanting more careerists with transient political appointees.

The Civil Service Reform Act of 1978, however, could conceivably prove to be a turning point in the enhancement of the status and responsibilities of the career civil service, even though it was not presented to Congress and the public as a measure for that purpose. It was put forward, rather, as a means to discipline the government's employees and to bring them, through more flexible systems of rewards and punishments, under tighter control by political executives. And it did nothing to narrow the layers of political appointees at the top of the government's departments and agencies. Nevertheless, it did establish

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for a trial period a Senior Executive Service, which conceivably could evolve, if it is accepted and continued, into a professional managerial corps on the European pattern. But to move in that direction would require a conscious, deliberate decision to do so, and that would demand what does not now exist—a wide measure of national agreement.

So the crisis of competence in government is not easily resolved. Many of the trends that have brought about the crisis, and intensified it in recent years, have roots deep in the traditions of American political behavior, if not in the constitutional structure itself. To that extent, incompetence is endemic. Yet there are ameliorative measures that can be taken, and taking some may lead to creative thought that may devise still others. What is necessary, first of all, is that those who decry the shortcomings of governmental performance recognize that the fault does not necessarily lie in the individuals who happen to occupy the White House or sit in Congress and that replacing them with other individuals will not necessarily help. Severe institutional and structural problems must be addressed. Only when acceptance of that proposition is wide enough will a concerted attack upon those problems be possible.*

* This article is adapted from the author's essay in the recent book *Setting National Priorities* published by The Brookings Institution and edited by Joseph A. Pechman.

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A Resurgent Congress and the Imperial Presidency

THOMAS E. CRONIN

The "imperial presidency" meant many things to many people. But it especially suggested the abuse and misuse of presidential powers. By 1973 it became an accepted term to describe presidential deceptions, lying, and transgressions against cherished notions of separation of powers. A deep-seated skepticism set in as an increasing number of Americans lost confidence in President Nixon.

As a general proposition, citizen trust in the president had been high during and after the New Deal. Historians, political scientists, and journalists had generally held that a strong presidency was a necessity.[1] Indeed, many observers of American politics added that the United States's leaders needed a free hand. Too many checks and balances would paralyze presidents. In a way, they were saying that the absence of power can also corrupt.

But then came Watergate. It was a subversion and corruption of the political process. Nixon did not invent the tactics so much as extend and refine them. For he inherited most of the short cuts, the growing reliance on secrecy and deceit, from several of his predecessors. But unlike them, he was caught. In the wake of Watergate we have witnessed the disappearance of the easy optimism that once characterized popular attitudes toward presidents.

During the early and mid-1970s, the American public's attitudes toward the government took on a deep, almost estranged cynicism. This loss of faith was

[1] See Thomas E. Cronin, *The State of the Presidency* (Boston, Mass.: Little, Brown and Co., 1980), chap. 3.

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doubtless caused by a variety of events, among which were political assassinations, civil disorders, rising crime rates, racial strife, recession, soaring inflation, and high unemployment—and especially the deep divisions in the country over U.S. involvement in the Vietnam War and Watergate.

Reaction to Watergate and the Vietnam War took at least two forms. Critics claimed irrefutable evidence that the presidency was isolated, autocratic, and imperial. They charged too that the deceptions during Vietnam and the corruptions of Watergate occurred because our checks and balances were inadequate and that too much power had been given to the presidency.

Defenders of the presidency argued that Vietnam and Watergate exemplified not so much the *excess* of power as the *abuse* of power. Moreover, supporters of the American system of dispersed powers saw at least some evidence that the system was working—that is, they felt the courts, the press, and even Congress did assert themselves when put to a critical test.

The Watergate disclosures and the first forced resignation of a president in U.S. history aroused public concern about the role of Congress. Certainly in the mid-1970s the public wanted Congress to become a more coequal branch of government, more assertive and alert, more jealous of its own powers.

The change in public attitudes is well documented by polls taken before and after Vietnam and Watergate. In 1959, social scientists at the University of Michigan asked: "Some people say the President is in the best position to see what the country needs. Other people think the President may have good ideas about what the country needs, but it is up to the Congress to decide what ought to be done. How do you feel about this?" Sixty-one percent chose the president and 17 percent chose Congress (the remainder said about equal or were undecided).[2] In 1977 the *New York Times* asked virtually the same question: "In general, who do you think *should* have the most to say in the way our government is run, the Congress or the President?" Fifty-eight percent chose Congress and only 26 percent chose the president (the remainder said about equal or were undecided).[3]

In late 1979, the general sentiment had shifted somewhat back in the direction of the presidency, but the public still plainly wanted the Congress to play a significant role in overall policymaking. (See Table 1 for a general indication of public support for both Congress and the president in national policymaking.) By 1979 and 1980, the American public wanted both Congress to play a more significant role and a stronger, more effective problem-solving presidency.

What form did the congressional reassertion of the 1970s take? Did Congress effectively address the charges made against the "imperial presidency"? Has the new array of checks and balances crippled the presidency and undermined its potential for creative leadership?

[2] These figures are from Roberta S. Sigel, "Image of the American Presidency: Part II of an Exploration into Popular Views of Presidential Power," in *The Presidency*, ed. Aaron Wildavsky (Boston, Mass.: Little, Brown and Co, 1969), p. 300.

[3] *New York Times*/CBS Poll, April 1977.

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TABLE 1

The Role of Congress and the President in Policymaking

Who should have the major responsibility?	*Energy Policy*	*Economic Policy*	*Foreign Policy*	*General Responsibility*
Congress	40%	40%	27%	36%
Equal	19	20	18	22
President	35	34	49	37
Don't know	6	6	6	5
	100	100	100	100

Question Asked: Now I would like to ask you some questions about the President and Congress. Some people think that the President ought to have the major responsibility for making policy, while other people think that Congress ought to have the major responsibility. In general, which do you think should have the major responsibility for setting policy?

Source: Gallup Poll conducted for WHYY, Inc., Philadelphia-Wilmington, in connection with "Every Four Years," a three-part study of the American presidency, produced for the Public Broadcasting Service (PBS), Fall, 1979.

The Imperial Presidency

In his provocative book *The Imperial Presidency*, historian Arthur M. Schlesinger, Jr., contends that presidential power became so expanded and abused by 1972 that it threatened our constitutional system. This imperial presidency, he says, was created primarily as a result of America's wars, particularly Vietnam.[4] Schlesinger explores two critical instruments that gave rise to the abuse of power by presidents: the war power and secrecy. In discussing the evolution of the war power, he points out the troubling constitutional ambiguity in the president's power as commander in chief: it is an undefined *office*, not a *function*—the only constitutional office a president is given. Schlesinger makes what he believes to be a critical distinction between the *abuse* and the *usurpation* of power. Abraham Lincoln, FDR, and Harry Truman temporarily *usurped* power in wartime, knowing they would be held accountable after the wartime emergency ended. Lyndon Johnson and Richard Nixon, however, *abused* power, even in peacetime, claiming a near absolute power to be the permanent prerogative of the presidency.

Schlesinger's second theme is the evolution of secrecy as a weapon to protect and preserve the president's national security power. He notes that until President Eisenhower, the presumption was that Congress would get the information it sought from the executive branch and that instances of secrecy were to be rare exceptions.

Schlesinger says that the notion of a bipartisan foreign policy was a bad one. It had the effect, the longer it ran, of stifling debate. "And it gave the Presiden-

[4] Arthur M. Schlesinger, Jr., *The Imperial Presidency* (Boston, Mass.: Houghton-Mifflin Co., 1973).

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cy a powerful new peacetime weapon by refurbishing the wartime theory of 'national security' as the end to which other values could be properly sacrificed in times of crisis.'"[5]

Schlesinger devotes much of his attention to the Nixon presidency, arguing that under Nixon the office became not only fully imperial, but also revolutionary. That is, Nixon in effect tried to carry out a revolution against the separation of powers and the American Constitution. For instance, in authorizing the "plumbers" group, Nixon became the first president in our history to establish an extralegal investigative force, subsidized by the taxpayers but unknown to Congress and accountable to no one but himself. Other misuses of intelligence agencies and authorized breaking and entering meant that Nixon became the only American president in peacetime who was publicly known to have supervised blatantly lawless actions. Moreover, the White House ignored, lied to, and spied on the Congress.

Schlesinger's book is a useful point of departure for a review of the general charges of a too powerful presidency. Over the years, it had become obvious that the presidency needed the power to respond to sudden attacks and to protect the rights and property of American citizens. But just how much power did a president have to conduct undeclared war?

The Department of State in a 1966 legal memorandum summed up some of this enlarged mandate this way:

> In the twentieth century the world has grown much smaller. An attack on a country far from its shores can impinge directly on the nation's security. . . . The Constitution leaves to the President the judgment to determine whether the circumstances of a particular armed attack are so urgent and the potential consequences so threatening to the security of the U.S. that he should act without formally consulting the Congress.[6]

Legal advisers to Presidents Johnson and Nixon insisted that while the Framers of the Constitution rejected the traditional power of kings to commit unwilling nations to war, they recognized the need for quick executive response to rapidly developing international situations. This apparently encouraged Johnson and Nixon to become exceedingly inventive in circumventing the congressional war-making power.

Congress became especially upset at President Johnson because in 1964 he succeeded in getting the Gulf of Tonkin Resolution passed on information that was later proved to be highly misleading. (Congress in 1971 repealed that resolution.) Later, a secret air war in Cambodia was waged in 1969 and 1970 with no formal congressional authorization or knowledge. Also, the U.S. military operated in Laos without formally notifying the Congress.

The Framers of the Constitution, in giving to Congress, and not to the president, the power to declare war, intended to prevent just such occurrences as

[5] Ibid., pp. 129–30.

[6] See Leonard C. Meeker, "The Legality of U.S. Participation in the Defense of Vietnam," *Department of State Bulletin*, 28 March 1966, pp. 484–85.

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these. They sought to create a permanent institutional safeguard against unilateral presidential war-making. What happened in Indochina was the result, many members of Congress believed, of a disregard by the White House of the Constitution. But many members of Congress agreed too that presidential excess in these matters came about because Congress either agreed with presidential policies or silently did nothing to stop them.

Since the Great Depression in the early 1930s, Congress has passed about 500 federal statutes that give a president extraordinary powers. Once a state of emergency is declared, for example, a president may seize property, organize and control the means of production, seize commodities, assign military forces abroad, institute martial law, control all transportation and communications, restrict travel, regulate the operations of private enterprise, call up all the military reserves, and in countless other ways control all aspects of our lives.[7]

Abuses of presidential power under these vast emergency laws included the detention of American citizens of Japanese descent during World War II and the suspension of federal law requiring the publishing of official documents in the *Federal Register*. This latter practice allowed President Nixon to cover up the bombings in Cambodia and also his directives to the FBI for domestic surveillance and intelligence work. "If the President were to make use of all of the power available to him under the emergency statutes on the books, he could conduct a government without reference to usual constitutional processes," declared Senator Frank Church (D–Idaho). "These powers taken together could form a basis for one-man rule."[8]

Treaty ratification procedures require that diplomatic agreements receive the consent of two-thirds of the Senate, but executive agreements permit a president to enter into secret and highly sensitive arrangements with a foreign nation without congressional approval. Many members of Congress feel that the subversion of the treaty ratification process of the Constitution was an important element in the growth of the imperial presidency.

Executive agreements have been recognized as distinct from treaties since George Washington's days, and their use by the executive has been upheld by the courts. But what irked Congress in the 1960s and 1970s was that while the Senate was asked to ratify international accords on trivial matters, the White House arranged critically important mutual-aid and military-base agreements without even informing Congress. Walter F. Mondale, while still a senator, put the complaint this way:

> During the 1960's and 1970's, the Senate disposed by treaty of such "crucial" issues as the preservation of archeological artifacts in Mexico, a protocol relating to an

[7] See J. Malcolm Smith and Cornelius P. Cotter, *Powers of the President during Crisis* (Washington, D.C.: Public Affairs Press, 1960). See also Harold C. Relyea, "Declaring and Terminating a State of Emergency," *Presidential Studies Quarterly* 6 (Fall 1976): 36–42.

[8] Quoted in "The President Versus Congress: Special Report," *National Journal*, 29 May 1976, p. 736. See also U.S., Congress, Senate, *Emergency Powers Statutes, Report of the Special Committee on the Termination of the National Emergency*, 93rd Cong., 1st sess., 19 November 1973.

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amendment to the International Civil Aviation agreement, the Locarno Agreement establishing an international classification of goods and services to which trademarks are applied, revisions of international radio regulations, and an international agreement regarding maintenance of certain lights in the Red Sea.

Yet Congress was not informed about the secret agreements or understandings pledging American assistance that President Nixon apparently entered into with former South Vietnamese President Thieu in 1973, at the time of the signing of the Paris Peace Accords. And the Senate subcommittee involved with such matters had no knowledge of vital executive agreements in 1960 with Ethiopia, in 1963 with Laos, in 1964 with Thailand, in 1966 with Korea, and in 1967 with Thailand.[9]

It was argued that these practices were an insult to the Congress and a violation of the Constitution's clear intent that Congress share in the making of foreign policy. Members of Congress began to probe for ways to limit the president's authority to make executive agreements. "The executive branch should welcome this opportunity to share with the Congress the weighty responsibility of reaching agreements with other nations," said Senator Lloyd Bentsen (D-Texas), "agreements which reflect our national priorities and which lie at the very heart of the foreign policy process."[10]

The founding politicians did not intend that the president should decide what information Congress and the American people needed to know. They were aware of the maxim that he who controls the flow of information rules our destinies. Moreover, without information, Congress cannot oversee the execution of its laws, and if it cannot do that, it is scarcely in a position to legislate at all.

The difficulty arises because constitutional scholars, the courts, and Congress concede that a president does have the right to withhold certain diplomatic and military information when it is vital to the national security. Thus during World War II, the executive properly kept secret the time and place of the Normandy Beach invasion.

Several presidents have invoked a prerogative that has come to be called "executive privilege," a claim based on the constitutional separation of powers, to the effect that the executive branch may withhold information from Congress. It was invoked about thirty-four times prior to the Nixon presidency. During Nixon's first term, executive privilege was invoked three times on matters that included military assistance and five-year plans and foreign aid for Cambodia.

It was only with the spectacular Watergate disclosures after the 1972 election, when the Senate investigating committee began to request documents, tapes, and testimony, that executive privilege became a really celebrated issue. It was then that Nixon and his lawyers, in a brief before Judge John Sirica, claimed that executive privilege was an inherent and absolute power and that while Con-

[9] Walter F. Mondale, *The Accountability of Power* (New York: David McKay, 1975), pp. 114–15.

[10] Lloyd Bentsen, testimony in U.S., Congress, Senate, Committee on the Judiciary, Subcommittee on Separation of Powers, *Congressional Oversight of Executive Agreements—1975*, 94th Cong., 1st sess., 1975, p. 79.

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gress and the courts may request information from a president, the separation of powers meant that disclosure could not be forced on him.[11]

Legal historian Raoul Berger, on the other hand, contends that executive privilege is "a myth, without constitutional basis, and the best evidence that can be mustered for it is a series of self-serving presidential assertions of power to withhold information."[12]

Most people, and most members of Congress, felt that the truth seemed to lie somewhere between the views of Richard Nixon and those of Raoul Berger. Senator Sam J. Ervin, Jr., accused the executive branch of "contempt of Congress" for refusing to cooperate by sharing information. In fact, Ervin supervised a study of refusals by the executive branch to provide information to Congress, and he found there were nearly 300 instances of withheld information during the 1964–73 period. An exasperated Ervin complained:

> The actions of public officials whether elected or appointed to deny the Congress the information it requires in its legislative functions, or unilaterally to decide what information will be provided or which witnesses will appear, are clear encroachments upon the powers of Congress. Yet a study of the findings of the survey will reveal a full range of devices, subterfuges, preposterous extensions and assumptions of authority, and outright evasiveness used by the bureaucracy to thwart the Congress in its legitimate inquiries.[13]

The extraconstitutional power of impoundment allows the executive to refuse to spend funds that have been appropriated by Congress. Impoundment is a complicated practice because it can take—and has taken—so many forms. Refusals to spend have occurred in the past to effect savings either because of a change in events (for example, a war is over and funds are no longer needed) or for managerial reasons (for example, a project can be carried out in a more efficient way).

Before President Nixon, impoundments were rather infrequent, usually temporary, and generally involved insignificant amounts of money. Only occasionally were earlier impoundments controversial. Still, the precedent was set for the future. Nixon stretched the use of impoundments to limits previously not attained. Altogether he impounded about $18 billion of funds appropriated by Congress, far above the amounts withheld by any previous president.

[11] See his own account in Richard Nixon, *RN: Memoirs of Richard Nixon* (New York: Grosset and Dunlap, 1978), pp. 896–910. See also Leon Jaworski, *The Right and the Power* (New York: Pocket Books, 1977), chap. 10.

[12] Raoul Berger, "The Grand Inquest of the Nation," *Harper's*, October 1973, p. 12. See also idem., *Executive Privilege: A Constitutional Myth* (Cambridge: Harvard University Press, 1974).

[13] Sam J. Ervin, Jr., quoted in U.S., Congress, Senate, Committee on the Judiciary, Subcommittee on Separation of Powers, *Separation of Powers Annual Report*, 94th Cong., 2d sess., 19 July 1976, p. 9. See also idem., *Refusals by the Executive Branch to Provide Information to Congress, 1964–1973*, 93rd Cong., 2d sess., November 1974. Note that these instances of withheld information or refusals to share information with Congress are not the same as formal White House use of the "executive privilege" practice. More often than not these were delays and long and drawn-out instances of noncooperation, often by subcabinet or bureau chiefs of agency heads and not necessarily by cabinet officers or White House aides.

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What bothered Congress about Nixon's impoundments of funds for water pollution control, urban aid, the emergency loan program of the Farmers Home Administration, and others, was that he used impoundment to set policy and reorder the nation's domestic policy priorities. Congress felt it was one thing for a president to delay funds for purposes of efficiency, but quite another for him to use impoundment to engage in extensive policymaking or priority setting.

Congress responded to Nixon's frequent impoundment of its appropriations in a relatively united manner. Drawing strength from the Constitution's clause, "No money shall be drawn from the Treasury, but in consequence of appropriations made by law," Congress took this to mean it had the final voice in fiscal policymaking. Members of Congress complained that by refusing to spend appropriated funds the executive was in effect exercising an *item veto* and thus destroying or delaying a program while avoiding the potential embarrassment of a public veto message and the risk of a congressional override. Nixon's impoundment practices, they added, were merely a means whereby the White House reallocated national resources in violation of congressional dictates. It was a question of which branch should decide how to allocate the public funds.[14]

Congress Reasserts Itself

The role of Congress in helping to end the war in Vietnam and then in the impeachment hearings against President Nixon gave the legislative branch some much-needed new vigor. The public looked to Congress for leadership. Congress set out to recover lost authority and discover new ways to participate more fully in national policymaking. In doing so it clearly tried to reassert itself. But even the most ardent supporter of Congress realizes that many of the so-called post-Watergate reforms are provisional. It is one thing to enact new curbs; it is quite another to put them into practice and enforce them rigorously. Moreover, while presidential powers are somewhat constrained by what Congress has done since 1973, it is not really the case that the presidency has been seriously weakened. Congress is doubtless in a better position to participate in policymaking, but improvements in Congress are not the same as reverses for the presidency. A few examples of congressional reassertion are discussed below to illustrate the ambiguity of the enterprise.

In an attempt to redress the imbalance, Congress in 1973 took an unprecedented step when it enacted the War Powers Resolution. Nixon vetoed the resolution, calling it an unconstitutional intrusion into the president's constitutional authority and an action that seriously undermined the nation's ability to act decisively and convincingly in times of international crisis. Congress overrode the veto, however, and by law declared that henceforth the president could commit the armed forces of the United States in three circumstances only: pursuant to a

[14] A useful source on impoundment and its politics is Louis Fisher, *Presidential Spending Power* (Princeton, N.J.: Princeton University Press, 1975).

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declaration of war by Congress; by specific statutory authorizations; or in a national emergency created by an attack on the United States or its armed forces. After committing the armed forces under this third condition, the president must report immediately to Congress; and within sixty days, unless Congress has declared war, the troop commitment is to be terminated, with the proviso that the president may be allowed another thirty days if he certifies to Congress that unavoidable military necessity for the safety of U.S. forces requires their continued use. Ninety days having elapsed, the resolution then permits Congress, by concurrent resolution not subject to a presidential veto, to direct the president to disengage the troops. A president is also obligated by this resolution to consult Congress "in every possible instance" before committing troops to battle.

Not everyone was pleased by the passage of the War Powers Resolution. Some members of Congress supported President Nixon's stand. Still another group in Congress, and many scholars as well, felt that the resolution granted a president *more power* than he already had, perhaps even to the extent of encouraging short-term interventions. Whether or not this resolution will make any difference, it does reflect a new determination in the Congress to try to control a president's formerly unlimited discretion to decide when, where, and under what conditions American troops might be engaged. Any future president who remembers the reaction of Congress and the nation to the Vietnam War and who remembers the 1973 War Powers Resolution will know that a commitment of American troops to foreign combat is subject to the approval of Congress.

Whether the intensity of this reaction will last much longer than the disenchantment over Indochina remains an open question. Congress certainly has the constitutional authority to intervene whenever it has the will to do so. But will it have the courage to resist being stampeded into granting power whenever a president waves the flag and says there is an urgent crisis? This emphasis on will or courage strikes some observers as naive or hazy. They feel that, under most circumstances, whenever a president takes a foreign-policy initiative, he is likely to have most of the country behind him, including influential business leaders, the communications media, and the bulk of the public. The history of presidential actions in wartime suggests that presidents in the future will not have much difficulty in doing pretty much what they please. The Constitution, as Chief Justice Hughes once said, is a "fighting Constitution."[15] Nothing in it will ever be permitted to prevent a president from winning a war that is truly vital to our national survival. Legal niceties will be given little attention. The Lincoln example will doubtless be followed, for national survival will always be the ultimate value. Only after the initiative is shown "not to work"—that is, after the death tolls and inflation become unbearable—will popular support begin to flag and the Congress begin to reflect the popular feeling.

[15] Charles Evans Hughes, "War Powers Under the Constitution," *American Bar Association Reports* 42 (1917), p. 238. See also *Home Building and Loan Association* v. *Blaisdell*, 290 U.S. 398, 426 (1934).

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The National Emergencies Act of 1976 terminated, as of September 1978, the extensive powers and authorities possessed by the president as a result of the continuing state of emergency the nation had been in since the mid-1930s. It also established authority for the declaration of future emergencies in a manner that will clearly define the powers of the president and provide for regular congressional review.

The act also calls upon the president to inform Congress in advance and identify those laws he plans to use when he declares a national emergency. A state of emergency so declared would automatically end after six months, although a president could then declare it again for another six months. But Congress is obligated to review the declaration of emergency powers at least every six months. A significant section of the new law states that a majority vote in both Senate and House can end the emergency at any time. President Ford called this section unconstitutional and hinted that future presidents might go to court and fight this provision if Congress chose to act upon it.

Congress hopes that this legislation will insure that emergency powers can be utilized only when legitimate emergencies actually exist, and then only under safeguards of legislative review. As Senator Abraham Ribicoff (D-Conn.) reported to the Congress: "Reliance on emergency authority, intended for use in crisis situations would no longer be available in non-crisis situations. At a time when governments throughout the world are turning with increasing desperation to an all-powerful executive, this legislation is designed to insure that the United States travels a road marked by carefully constructed legal safeguards."[16]

The Case Act of 1972, sponsored by Senator Clifford P. Case (R-N.J.), requires the secretary of state to submit to the Senate within sixty days the final text of any international agreement made by executive agreement. Executive agreements having sensitive national security implications may be submitted to the Senate Foreign Relations Committee and the House International Relations Committee on a classified basis. Presidents still negotiate executive agreements, however, and sometimes fail to comply with the Case Act's relatively mild provisions.

Even when executive agreements are reported to the appropriate committees of Congress, there is no provision for any congressional response. Some efforts were made in the mid-1970s to enact a stronger law that would permit Congress an opportunity to review and disapprove executive agreements. In 1974 the Senate actually passed such a measure, but the House failed to act on it. Later attempts have also failed, but the following initiatives have won congressional support.

—A Senate-sponsored bill requiring executive agreements to be submitted only to the Senate, with such agreements to take effect at the end of sixty days unless the Senate disapproves them by simple resolution.

[16] Quoted in U.S., Congress, Senate, Committee on Government Operations, *National Emergencies Act*, 94th Cong., 2d sess., 1976, p. 2.

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—A House-sponsored bill requiring executive agreements to be submitted to Congress, with such agreements to take effect in sixty days unless both houses adopt a concurrent resolution disapproving them.

—Another Senate-sponsored bill providing that if either house decides that an international agreement is sufficiently important to require congressional approval, it must be approved through regular legislative procedures or as a treaty.[17]

Abuse of the intelligence and spying agencies was also a central contention of the imperial presidency argument. The Central Intelligence Agency was established in 1947 at a time when the perceived threat of "world communism" encouraged a vast arsenal of national security instruments, including covert overseas political operations and espionage. When the CIA was established, Congress recognized the dangers to a free society inherent in a secret organization not accountable in the ordinary way for what it does. Hence it was stipulated that the CIA was *not to engage in any police work or to perform operations within the United States.*

But from 1947 to the mid-1970s, no aspect of national policymaking was more removed from congressional involvement than CIA operations. In many instances Congress acted as if it really did not want to know what was going on. Said one senator: "It is not a question of reluctance on the part of CIA officials to speak to us. Instead it is a question of our reluctance, if you will, to seek information and knowledge on subjects which I personally, as a Member of Congress and as a citizen, would rather not have."[18] The evidence is substantial that Congress declined to use its resources to participate in intelligence policymaking.

Congress has tried in recent years to amend this. In 1974 Congress enacted the so-called Hughes-Ryan Amendment which requires the administration to advise eight congressional committees of its plans for clandestine operations. This same measure forbids such clandestine operations unless they are specifically approved by the president. In 1975 the Senate established a temporary committee of inquiry chaired by Senator Frank Church. This committee found widespread abuses of power and violations of the rights of American citizens in the conduct of both foreign and domestic intelligence operations. The Church committee recommended that Congress bring all the intelligence operations within the framework of congressional oversight.

The Senate then voted to create a permanent Select Committee on Intelligence, with legislative and budgetary authority over the CIA and other intelligence agencies. Subsequently, the House voted to set up a similar panel. But since we now know that even presidents have had difficulty getting a handle on

[17] See Senate Subcommittee on Separation of Powers, *Congressional Oversight of Executive Agreements—1975.*

[18] Leverett Saltonstall (R-Mass.) quoted in Harry Howe Ransom, *The Intelligence Establishment* (Cambridge: Harvard University Press, 1970), p. 169.

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the CIA, there is some doubt about whether Congress will have any better luck. Yet in an unprecedented exercise of its power over the intelligence budget, Congress in 1976 amended the Defense Appropriations Bill to terminate American covert intervention in Angola. "The inevitable public disclosure of a secret operation served, in this instance, the will of Congress; and in the short run the Angola controversy was a warning that the Executive should proceed with caution."[19]

How likely is it that Congress will be effective in regulating the CIA? People differ widely in their answers to this question. Halperin et al. conclude their study by saying: "To date, only a few patchwork elements of reform have been put into effect. At every turn the executive branch continues to fight any major changes and, instead, offers 'reforms' that end up authorizing for the future the abuses of the past."[20] Some critics say the Senate committee should spell out a charter that would limit the CIA to foreign operations, severely restrict and control all covert activities, require written approval for any major field operations, and shut down the political intelligence work of the FBI. Others feel the full disclosure of the intelligence community's budget is necessary.

A longer-range view suggests that the intensity and direction of congressional interest in these matters depend on the movement of larger political forces. That is, when a national consensus supports a president and his foreign-policy initiatives, as it plainly did in the early part of the cold war, Congress is likely to go along. But in the absence of such a consensus, a more assertive Congress may try to find a more realistic system of accountability for the CIA and related activities as a substitute for the public scrutiny that normally is given major governmental operations. It is worth recalling that we have already had committees in the Congress to oversee the intelligence agencies, but those simply did not do their job.

Presidents Ford and Carter both criticized Congress for weakening the CIA. They felt that Congress went too far and that Congress should ease the restrictions on covert operations by the CIA. The Carter administration especially pressed this case in early 1980, as the Iranian and Afghan crises loomed large in the background. Officials in the Carter White House said that the administration was deterred from going ahead on certain overseas operations for fear that their disclosure to the eight congressional committees might result in leaks to the press. The Carter White House also favored tightening up provisions of the Freedom of Information Act, which gives individuals and foreign governments access to large amounts of official data that used to be classified information. Carter aides pointed out, for example, that Communist bloc countries had become a major consumer of certain foreign and national security records. And

[19] John T. Elliff, "Congress and the Intelligence Community," in *Congress Reconsidered*, eds. Lawrence C. Dodd and Bruce I. Oppenheimer (New York: Praeger, 1977), pp. 193–206.

[20] Morton H. Halperin et al., *The Lawless State: The Crimes of the U.S. Intelligence Agencies* (New York: Penguin Books, 1976), p. 279. For general background on this question, see Tyrus G. Gain et. al., eds., *The Intelligence Community: History, Organization and Issues* (New York: R.R. Bowker Company, 1977).

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time and again in the 1980 presidential primaries, candidates such as George Bush, himself a former director of the CIA, and Ronald Reagan condemned the restrictions that Congress in the mid-1970s had placed upon overseas intelligence operations.

Another area in which Congress attempted to reassert its authority was the budget. Congress had become too dependent on the president's budget proposals and had no budget system of its own—only a lot of separate actions and decisions coming at various intervals throughout the year with little or no connection among them. "Congress has seen its control over the federal purse-strings ebb away over the past fifty years because of its inability to get a grip on the overall budget, while the Office of Management and Budget in the executive branch has increased its power and influence," said Senator Edmund S. Muskie (D–Maine) in 1974.[21]

Muskie was one of the chief authors of the 1974 Congressional Budget and Impoundment Control Act. That act was designed to encourage Congress to evaluate the nation's fiscal situation and program-spending priorities in a comprehensive way. It was also hoped that in a period of high inflation Congress could help put a lid on unnecessary spending. An increasing number of members of Congress began to take seriously the aphorism: he who controls the stream of budget making controls policymaking.

Under this law, Congress also established a Congressional Budget Office (CBO), which provides budgetary and fiscal experts and computer services, and gives Congress technical assistance on the president's budgetary proposals. Some members of Congress hoped CBO would provide hard, practical economic data to guide the drafting of spending legislation. Others viewed it as a potential "think tank" that might provide Congress a more philosophical approach to spending and help reorder national priorities. In fact, CBO is most frequently used to provide routine cost estimates for spending and tax bills and to keep track of the overall budget level.

Optimists feel that the budget reform act will force Congress into more systematic and timely action on budgetary legislation, tying its separate spending decisions together with fiscal policy objectives. Its new budgetary timetable gives Congress three additional months to consider the president's budget recommendations.

How has it worked? The new budget process clearly has stimulated increased congressional participation in fiscal policymaking. Using these new powers of the purse, Congress seems better able to contribute to budget making in the Carter era.

The budget resolutions provide a vehicle for debate on key macroeconomic issues, and the newly created House and Senate Budget Committees are able to challenge the president's dominance in initiating fiscal proposals. And in early

[21] Quoted in *National Journal*, 29 May 1976, p. 742. See also James P. Pfiffner, *The President, the Budget, and Congress: Impoundment and the 1974 Budget Act* (Boulder, Colo.: Westview Press, 1979).

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1980 many members of these budget committees actually seized the initiative away from Carter and led the way to some major budget cuts in the fiscal year 1981 budget. The long-term success of the experiment will depend very much on whether the new committees are powerful enough to use their target and ceiling resolutions to induce cooperation.

The impoundment control provisions of this new law have worked out reasonably well and here again Congress has put the executive branch on the defensive. Presidents are obligated to report delays in spending to Congress; either house may veto presidential decisions to defer spending; and both the Senate and the House must approve any presidential request to eliminate a project that Congress has funded. If the comptroller general finds in behalf of the Congress that impoundments have been made without proper reports to Congress, he may report these himself and Congress may act to force release of the funds. Should a president fail to comply with a congressional action overruling an impoundment, Congress may go to court for an order requiring the funds to be spent.

There have been complaints about the new impoundment law. It is vague. It creates paperwork. Too many reports need to be sent to Congress—even when executive branch officials have saved a few thousand dollars simply for managerial and efficiency purposes. There will no doubt be further changes in the law designed to meet these and other objections.

Within recent years Congress has turned the so-called legislative veto into an instrument of policymaking. The Constitution stipulates that every bill, order, resolution, or vote to which the concurrence of the Senate and House may be necessary shall be presented to the president for his approval or veto. But "concurrent resolutions," in contrast to "joint resolutions," by convention do not have to be submitted to the president. In the past this made little difference, since concurrent resolutions were used merely to express congressional sentiments and had no force of law.

Then in 1932 Congress passed a joint resolution allowing President Hoover to reorganize the executive agencies but stipulated that his proposed reorganizations would not take effect for ninety days, during which time either house of Congress by a simple resolution could veto the regulation. Since then the legislative veto has come to be a frequently used statutory provision through which Congress authorizes a federal program to be administered by the executive branch but retains the authority to approve or disapprove part of the program before final implementation. Usually, Congress either may disapprove a measure by vetoing it or must approve it by affirmative action. This must take place within a specified period of time, generally sixty or ninety days. The legislative veto may take the form of a concurrent resolution, a simple resolution passed by either house, or a committee veto.

Since 1932 more than 300 pieces of legislation have carried some form of legislative veto; more than half have been enacted since 1970, and most of those since 1974. Significant statutes with legislative-veto provisions include the Budget and Impoundment Control Act of 1974, the Trade Act of 1974, and the

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Energy Policy and Conservation Act of 1975. In 1976 the House fell only two votes short of passing a bill that would have required federal agencies to submit all new regulations to Congress for sixty legislative days. If during that time either house acted to disapprove, the regulations would not go into effect unless the other house acted within thirty days to approve.

Congressional spokesmen favor the legislative veto and contend that it is the most effective device Congress has to insure that the president and the federal bureaucrats issue regulations that conform to the intent of Congress. They also argue that without the use of the veto, when Congress delegates powers to the president, he could use his veto to prevent Congress from terminating the delegation. Representative Elliott Levitas (D–Georgia) reflects the sentiment in Congress in favor of a veto on administrative rules and regulations when he complains that the bureaucracy is infringing on Congress's right to make laws by putting out "a thick tangle of regulations that carry the force of law without benefit of legislative consideration." To back up his point he cites statistics showing that in 1974 Congress passed 404 public laws, while sixty-seven agencies adopted 7,496 regulations.[22]

Many supporters of the presidency consider the legislative veto a violation of the doctrine of separation of powers and an unconstitutional intrusion into the executive branch. President Carter said in 1978 that he accepts only one form of legislative veto as constitutional, the one-House veto used to disapprove presidential plans to reorganize the executive branch. He also warned that excessive use of legislative vetoes impedes the United States's ability to respond to rapidly changing world conditions.[23] Advocates of a strong presidency also argue that the legislative veto gives lobbyists more influence on government. John Bolton, a Washington lawyer, writes that the legislative veto

> eliminates the president from the law-making function by not presenting him with "legislation" that he can veto. It allows Congress to change its mind an unlimited number of times about what a statute is intended to do after passage of the statute—in effect, amending the statute. . . . The President's administrative authority—his duty to "take care that the laws be faithfully executed"—is impinged because he is prevented from implementing regulations he deems suitable and consistent with the enabling legislation.[24]

Assistant Attorney General Antonin Scalia presented the executive branch brief in opposition to the expanded use of the legislative veto. Testifying before a congressional committee in late 1975 he argued:

[22] Quoted in Mary Russell, "Bill to Give Congress Veto Power Is Defeated," *Washington Post*, 22 September 1976.

[23] For President Jimmy Carter's message on his opposition to most forms of legislative veto, see "Legislative Vetoes: Message to Congress, June 21, 1978," in *Weekly Compilation of Presidential Documents*, week of 26 June 1978, p. 1146.

[24] John R. Bolton, *The Legislative Veto: Unseparating the Powers* (Washington, D.C.: American Enterprise Institute, 1977), pp. 31–32. For a different view, see Louis Fisher, "A Political Context for Legislative Vetoes," *Political Science Quarterly* 93 (Summer 1978): 241–53.

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As our system operates Congress makes the laws, in as much detail as it desires; the President executes those laws, with due regard for the congressional intent; and the judiciary determines the President's execution, including issuance of regulations, to be of no effect when it is inconsistent with the laws or the Constitution.

This rough division of government power is what the doctrine of separation of powers is all about.

Both of the present bills [under discussion before the House Committee on the Judiciary] disrupt this system in one way or another, depending upon how the ambiguities discussed earlier are resolved. If they envision Congress setting regulations aside on the basis of its own notions as to what constitutes desirable enforcement policy, they intrude upon the executive's functions.

If, on the other hand, they mean only to permit congressional review of the executive's compliance with statutory intent, they intrude upon the province of the judiciary. Either way, they carry Congress beyond its proper function of making laws under Article I of the Constitution.[25]

Whatever its merits, Congress has surely used the legislative veto to reassert itself, and the legislative veto has become a new and significant feature of our constitutional system. The House of Representatives, through its Subcommittee on the Rules of the House, issued in February 1980 a comprehensive survey of legislative vetoes and their use. These studies suggest an impressively broad range of positions on both the practicality and legality of legislative vetoes. No wonder the Court has been loathe to render any verdict on their constitutionality. Louis Fisher, a political scientist who coordinated these studies for the House, concludes there are three rather different categories of legislative vetoes. His distinctions and reasoning are worth noting.

First, legislative vetoes originate as a condition attached to authority that Congress had exercised in the past. In delegating to the President or executive officials the authority to reorganize executive agencies, suspend deportations, and adjust federal salaries, Congress relinquishes power only with the assurance of a legislative veto. The authority and the legislative veto are inseparable, the Administration could not have had the authority without the condition. . . .

Second, legislative vetoes are sometimes added as a restraint on authority previously delegated. Here Congress tries to recapture power that had drifted too far from legislative control. In this category are the legislative vetoes applied to arms sales, trade authority, regulatory agencies, and the General Services Administration.

Third, some of the legislative vetoes do not concern power delegated by Congress. Instead, the problem is how the legislative and executive branches can share a responsibility that combines elements of congressional and presidential power. Unable to define by statute the precise boundary between the branches, Congress relied on a legislative veto as a procedural link between rival and conflicting constitutional inter-

[25] Antonin Scalia, assistant attorney general, testimony in U.S., Congress, House, Subcommittee on Administrative Law and Government Relations, *Hearings*, 94th Cong., 1st sess., October and November 1975, p. 377. See also Scalia's "The Legislative Veto: A False Remedy for System Overload," *Regulation* (November-December 1979): 19–26.

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pretations. Included within this category are the legislative vetoes in the War Powers Resolution, and national emergency legislation.[26]

Thus the matter of legislative vetoes is hardly a simple, easy-to-resolve tension between the two branches. Doubtless the legislative veto is here to stay, although various accommodations will generally be worked out between specific administrations and the Congress with whom they must deal.

Congress has also become more involved in foreign-policy making, increasingly imposing its own goals on the executive. Shaking off years of inertia, Congress imposed a cutoff of aid to Vietnam, called a halt to bombing in Cambodia, and restrained the Ford administration from getting involved in Portugal and Angola. Led by Senator Henry Jackson (D-Wash.), Congress refused to permit the White House to grant the Soviet Union the "most-favored nation" treatment allowed for in the Trade Reform Act of 1974. Congress has also demanded and won a greater role in arms sales abroad and in determining U.S. aid to Turkey.[27]

The maintenance of democratic controls over foreign and military policy has become increasingly difficult in the cold war and the nuclear age. Secrecy is at the heart of the problem. All of our recent presidents have said that you cannot have successful diplomacy without secrecy. President Carter, for example, told members of Congress that he felt there were excessive restraints keeping him from reacting to a Cuban-assisted rebel invasion of Zaire.

But executive secrecy is subject to abuses, as Watergate has dramatically illustrated. People could understand, even if they might oppose, the use of secrecy in the president's negotiations with China or in his diplomatic initiatives with Middle Eastern nations. But most people found it difficult to understand the need for secrecy in dealing with congressional leaders. Tapping telephones to prevent security leaks and breaking into offices—these are the tactics not of politics, but of war. These practices may be appropriate in dealing with enemies, but they are inappropriate when dealing with domestic political opponents.

How is it possible to prevent the use of secrecy to cover up obstructions of justice while permitting its legitimate use for diplomatic purposes? Many Americans feel that even at the risk of a less effective foreign policy, what is needed is a greater sharing of power with Congress over foreign policy. And some indeed have doubts whether the exclusive power of the president is more likely to produce good policy than sharing power with Congress.

Some congressional proposals to reassert authority have failed to gain approval. Among them was former Senator Sam Ervin's suggestion that the Department of Justice be removed from the executive branch. He felt that was

[26] Louis Fisher, Introduction, *Studies on the Legislative Veto*, prepared by the Congressional Research Service for the Subcommittee on Rules of the House, Committee on Rules, U.S. House of Representatives, 96th Cong., 2d sess., February 1980, pp. 14-15.

[27] William J. Lanouette, "Who's Setting Foreign Policy—Carter or Congress?" *National Journal*, 15 July 1978, pp. 1116-23.

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necessary to separate the vital justice and prosecution functions from the contamination of partisan politics and undue White House influence; but he failed to persuade many members of Congress. Representative Henry Reuss (D–Wisc.) championed a constitutional amendment providing a vote of no-confidence that would permit Congress to call for new elections when it believed a president had become incompetent or had lost the support needed to govern effectively. Others proposed a constitutional amendment to limit the president to a single six-year term. Another proposal provided for an American "question hour" in which cabinet members or even the president would regularly go before the Congress to respond to questions and participate in a dialogue on major policy questions. Finally, some members of Congress wanted to establish ceilings on the number of White House aides and involve the Congress in overseeing the policymaking powers of the unconfirmed White House staff. None of these measures got beyond committee hearings.

"I do not want a honeymoon with you. I want a good marriage," said Ford to Congress as he started his presidency. "As President I intend to listen," he continued. Ford said his relations with Congress would be characterized not by confrontation but by "communication, conciliation, compromise and cooperation."[28] But his hoped-for holy wedlock soured and an unholy deadlock set in as he proceeded to veto sixty-nine legislative measures.

Congress did give Ford a hard time. Having shaken off years of inertia, Congress took advantage of an appointed president to regain some of its own lost authority. Thus they rejected some of his nominations; they took four months to confirm Nelson Rockefeller; they rejected Ford's foreign-aid bill, trimmed his defense appropriations, curtailed military aid to Turkey, denied him the means to conduct open or covert operations in Angola, and so on.

Some of Ford's aides warned of a new period of congressional government. Ford himself said:

> Frankly, I believe that Congress recently has gone too far in trying to take over the powers that belong to the President and the executive branch.
>
> This probably is a natural reaction to the steady growth of executive branch power over the past forty years. I'm sure it is a reaction to Watergate and Vietnam. And the fact that I came to this office through a Constitutional process and not by election also may have something to do with current efforts by the Democratic Congress to take away some of the power of the President.
>
> As a member of Congress for twenty-five years, I clearly understand the powers and obligations of the Senate and House under our Constitution. But as President for eighteen months, I also understand that Congress is trying to go too far in some areas.[29]

Why did Ford have such troubled relations with Congress? Reaction to the

[28] Statements made in summer of 1974, quoted in Gerald R. Ford, *A Time to Heal* (New York: Harper & Row, 1979), p. 134.

[29] Ford, in written reply to a *New York Times* query, quoted in Philip Shabecoff, "Appraising Presidential Power," in *The Presidency Reappraised*, 2d ed., eds. Thomas E. Cronin and Rexford G. Tugwell (New York: Praeger, 1977), p. 37.

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Vietnam War and Watergate obviously played a role in his difficulties. Congress had reorganized itself in several ways. It was a more democratic institution now, with power more noticeably dispersed among its members. It had streamlined some of its procedures, and it was more conscious of its responsibility to the people. But there were additional factors that help explain Ford's difficulties. Perhaps the major problem was that he was decidedly more conservative than Congress. That should have come as no surprise to those who had looked at his voting record in Congress. He had voted against Medicare, opposed the creation of the Office of Economic Opportunity, opposed aid to education, and opposed federal help for state water pollution control projects. He had, however, always been a strong supporter of Defense Department spending.

Moreover, Ford was an appointed president. As the United States's first president to be appointed under the Twenty-fifth Amendment, he also bore the stigma of illegitimacy. He had absolutely no mandate from the people. He had to deal with a Congress controlled by Democrats. He came to office right in the midst of a mid-term congressional election. At the State Department he had the always secretive Henry Kissinger who had by then acquired strong opponents in both parties. And he had to contend with a strong attack from the right wing of his own minority party. The Ford presidency experienced additional troubles because it came during the seventh and eighth years of the Nixon-Ford administrations. The top people were tired and had run out of imaginative ideas and solutions. Finally, Ford suffered from the disillusionment that invariably sets in toward the end of an eight-year hold on the presidency. The same thing had happened in 1960 and 1968.

In fact, the Ford presidency was not as weak and constrained as it wanted people to believe. (The White House liked to convey the impression that the press, the courts, and the Congress were literally undermining presidential powers.) Ford himself may have been vulnerable, but the presidency was not weakened during this period. The major powers of the office were still available to presidents. Of course, the effective use of those powers required shrewd use and clear communication of intent.

President Carter and Congress

Carter's relations with Congress have been turbulent. He suffered setbacks on his energy package, his proposed SALT II agreement, election reform, his Korean strategy, the proposed consumer protection agency, and countless other measures. He scored victories, too (for example, on the B–1 bomber and the Panama Canal), but these often seemed to be the exception to the rule. And even his victories seemed to anger the Congress.

Carter's initial difficulties with Congress were partially due to the post-Watergate efforts to constrain the American presidency. But *only partially*. To be sure, Congress did not want to become a rubber stamp for a Democratic president. And Congress was enjoying its struggle to reassert itself. Also, the

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dispersion of influence (that is, power to the subcommittees and subcommittee chairmen) in the House of Representatives made it more difficult for a president to deal with the Congress. Gone were the days when the White House could deal with a handful of "whales" who really ran the show. But Carter's difficulties stemmed from a number of other factors as well.

Carter ran for the White House as a Mr. Clean, a Mr. Integrity, and a Mr. Outsider. He sold himself almost like a detergent who would go to Washington and clean things up. That only bred resentment. His campaign slogans were seen as a "put down" to Congress. He talked too much of the mess in Washington to win friends there. He said Congress was inherently incapable of leadership, and added that in the absence of strong presidential leadership there is no leadership.

His personal style of campaigning stressed confrontation more than negotiation. He seemed righteous and almost too good to be true. He implied that his administration would be guided by only the highest moral standards. So when the Bert Lance affair occurred, he was judged all the more critically. Congress resented his pious style and that plainly made the honeymoon shorter.

Much was made of the idea that most of the problems in presidential-congressional relations could be overcome if only both branches were held by the Democrats. That came to pass in January 1977, but the promised harmony never came about.

Part of the reason is that the Democratic party is in many ways two parties in one. Any party with both a Ron Dellums and a James Eastland is a party either very split or very strained. Moreover, Carter really has no substantive political base within the Democratic party. He is not really a Southern old-boy conservative. Some have suggested that he is more of a Yankee puritan. In many ways, the mere fact that he is a Southerner in the White House makes him a novelty. Ironically, although Carter enjoys his highest popularity in the southeastern section of the nation, the members of Congress from that same region gave him just about the lowest rates of support for his programs in Congress.

Forty-seven percent of the voters stayed home in the 1976 election. Carter lost nearly thirty points in the polls between August and election day as his election campaign stumbled haphazardly to a narrow victory. White voters, and even white Southerners, preferred Ford over Carter. The 1976 election was hardly an issues election the way 1936 and 1964 were.

Carter, moreover, ran well behind the Democrats running for Congress and for the state houses in 1976. His election seemed to be due more to the public's lack of confidence in Gerald Ford than to any program Carter put forth.

Some of Carter's difficulties stem from the fact that he does not enjoy the politics of dealing with members of Congress. He gives the impression that he is the rational man and that Congress should deal with him and his programs completely on their merits. The idea that deals will be made and favors dispensed seems quite alien to Carter. Thus he gladly sold the presidential yacht, the Sequoia, an action many congressmen say, in retrospect, was a big mistake. It was

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on that pleasure boat that Lyndon Johnson and his cabinet did some of their most effective congressional-relations lobbying.

Reporters covering Carter's trips around the country say he is almost incapable of saying nice things about members of Congress even as he travels among their constituents. One senator's office had arranged for Carter to say a few words of endorsement for the senator when Carter was visiting in the senator's home state. Elaborate and expensive television and video machinery had been rented and set up to capture Carter's few words of praise, hoping that they might be usable in the next year's election race. But Carter came and talked and went—and never uttered the expected words of praise—even though the senator was one of Carter's top supporters in Congress. Washington is full of such anecdotes. That senator, by the way, lost his election.

Members of Congress complain too that he does not consult enough. Unlike Lyndon Johnson, he does not invite them in to go over the drafts of prospective bills; he often seems to prefer a government by surprise. He also has a penchant for bypassing Congress and going to the country. Of course, all presidents do that, but his style of doing it coupled with his reputation as an "outsider" comes back to weaken his ties to Congress.

One scholar who has studied Carter's legislative-relations staffs offers the additional explanation that since Carter won the nomination and then the presidency itself largely without having to build coalitions with the left, right, and center of the Democratic party, so also his congressional relations teams, both at the White House and in the departments, did not in the early period of the administration build the coalitions needed to get things passed. Eric Davis puts it this way:

> Since they did not have to engage in bargaining to get the nomination or to win the election, they would not have to engage in bargaining or exchange to get their programs passed on Capitol Hill. Because they did not recognize the importance of coalition-building through brokerage, they did not, at the very outset of the administration, make an effort to establish cooperative lobbying relationships with the other important participants in the legislative process. Since these relationships were not established, the White House had to rely on its own resources to obtain legislative successes. These resources were not sufficient; legislative defeats resulted. And these defeats fed upon themselves, creating the image of ineptitude on the part of the White House. This image of ineptitude, in turn, inclined members of Congress to be less willing to rely on White House judgments and less willing to accept White House analyses and proposals on important issues.[30]

In 1960 the mood of the country embodied a seemingly boundless confidence in itself and in what its government could achieve. We could go anywhere and do anything—from conquering outer space to effecting land reform in Latin America and political reforms in Indochina. Poverty in America could be ended

[30] Eric L. Davis, "Legislative Liaison in the Carter Administration," *Political Science Quarterly* 94 (Summer 1979): 301.

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once and for all. John Kennedy became president during this era of good feelings, this era of confident adventuresomeness. Optimism and idealism aided both him and Lyndon Johnson in their efforts to deal with Congress.

But that era is over. Today we dwell on the scarcity of resources and the interdependency of the U.S. economy with those of several other nations. Americans acknowledge that the United States overextended itself abroad. Americans salute the slogan "small is beautiful," and they read study after study predicting the limits to growth.

President Carter would like to provide leadership of the Roosevelt, Wilson, and Kennedy kind, but he does not have the appropriate climate of expectations. He can draw on neither the trauma of a depression nor the crusading spirit of a world war nor the buoyant national optimism of the early 1960s. The Carter presidency was obviously constrained by a national mood of conservatism and hostility to many governmental programs and regulations. Carter's difficulties with the Congress arose in no small measure from his desire to offer leadership to a nation that has turned inward, introspective, and self-centered.

A New Impatience: Restrengthen the Presidency

Even as the presidency was being soundly criticized for abuses of power in the late 1960s and early 1970s, it was simultaneously portrayed by many people as alarmingly battered by the Vietnam War and Watergate. The ranks of the defenders of presidential government may have been temporarily thinned in 1973 and 1974, but at least by the late 1970s the cult of the presidency was alive and well. As several analysts have observed, the Right worries about the imperial presidency at home and the Left worries about the imperial presidency abroad. What is not pointed out is that the Right doubtless wants a near-imperial Teddy Roosevelt kind of presidency abroad and the Left often wants something approaching an imperial, super-planning presidency at home.

The American public may have lost confidence in its leaders, but it has not lost hope in the efficacy of strong, purposive leadership. The Gallup organization in 1976 asked a national sample: "Do you think what the country needs is really strong leadership that would try to solve problems directly without worrying about how Congress or the Supreme Court might feel or do you think that such leadership might be dangerous?" By a 49 to 44 percent margin the respondents indicated a preference for a strong government over a constitutional one. By late 1979 this same question received a 63 to 30 percent response in favor of strong presidential leadership.[31]

Fears of another Watergate presidency seemed to disappear. Perhaps all the revelations about the crimes of Watergate and the dramatic resignation of a president have lulled most people into believing that "the system worked"—that the checks checked and the balances balanced. Perhaps the very cataloging of

[31] *Newsweek*, 12 April 1976, p. 31, and Gallup Poll for WHYY/PBS (Philadelphia-Wilmington), October 1979, p. 21.

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the misuses of presidential powers seemed to solve the problem. Obviously, it was not right, but the very revelations may have appeared the same as remedies.

In the wake of the wounded or imperiled presidency of the Watergate era, could Congress furnish the leadership necessary to govern the country? Most scholars and writers say no. The conventional answer heard in the late seventies and early eighties is that the United States will need a presidency of substantial power if it is to get on top of the energy and inflation problems and maintain its position in foreign affairs. The major 1980 presidential challengers—Reagan, Bush, and Kennedy—all call for stronger, more effective presidential leadership.

The president's primacy, they would add, has been founded in the necessities of the American condition. Today, the federal government has become committed to burdens of administration that demand vigorous, positive leadership. We live too in a continuous state of emergency, where instant nuclear warfare could destroy the country in a matter of minutes and where global competition of almost every sort highlights the need for swiftness, efficiency, and unity in our government. Further, today's social and urban and environmental problems require a persistent display of creative presidential leadership. Any reduction in the powers of the president might leave us naked to our enemies, to the forces of inflation and depression at home, and to the forces of unrest and aggression abroad.

Former President Gerald Ford scoffed in 1977 at the idea that Congress had improved things in recent years. Speaking for the repeal of the War Powers Resolution of 1973, Ford said, "When a crisis breaks out, it is impossible to draw the Congress into the decisionmaking process in an effective way." Ford cited these reasons for this claim:

—Legislators have too many other concerns to be abreast of foreign policy situations.

—It is impossible to wait for a consensus among scattered and perhaps disagreeing congressional leaders.

—Sensitive information supplied to legislators, particularly via the telephone, might be disclosed.

—Waiting for consultation could risk penalties for the President "as severe as impeachment."

—Consultations with congressional leaders might not bind the rank and file, particularly independent younger members.[32]

Such defenders of a powerful presidency as Samuel Huntington and columnist Robert Novak wondered how a government could conduct a coherent foreign policy if legislative ascendancy really meant the development of a Congress into a second United States government. Could the United States afford to

[32] Ford, quoted in Don Oberdorfer, "Ford: War Powers Act Not Practical," *Washington Post*, 12 April 1977. See also Gerald R. Ford, "The War Powers Resolution: Striking a Balance between the Executive and Legislative Branches (Speech delivered 11 April 1977 at the University of Kentucky, Louisville, and reprinted by American Enterprise Institute, Reprint 69, June 1977, pp. 1–7).

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have two foreign policies? A nation cannot long retain a leadership role in the world unless its own leadership is both clear and decisive. They argued, too, that congressional decisions—including foreign-policy decisions—must be based almost entirely on domestic politics, which is why Congress cannot conduct foreign policy.

More specifically, critics charged, Congress, by its headline-hunting investigations, had destroyed the Central Intelligence Agency as an effective means of national policy for the United States. Thus in the Angola episode Congress in effect served notice that the president cannot conduct the foreign policy of his country to confront brush fire occurrences or to confront Soviet expansionism.[33]

Huntington urges readers to recognize the legitimacy and the necessity "of hierarchy, coercion, discipline, secrecy, and deception—all of which are, in some measure, inescapable attributes of the process of government. . . . When the President is unable to exercise authority, no one else has been able to supply comparable purpose and initiative. To the extent that the United States has been governed on a national basis, it has been governed by the President."[34]

The same verdict is heard from those who yearn for strong, creative leadership in domestic or economic matters. Thus Arthur Schlesinger, Jr.—even as he condemns the imperial presidency—says that "history has shown the presidency to be the most effective instrumentality for justice and progress."[35] Supporters of a strong, powerful presidency worry that a president has too little power today to tackle economic and energy resource problems effectively. For example, he has little influence over the Federal Reserve Board's policies on credit and money. He has few tools for effective, long-range economic planning. And, as President Carter has learned, his authority over government reorganizations is puny compared to our expectations of him as the official "chief executive."

Without vigorous presidential leadership, the parochialism in Congress, advocates of a strong presidency contend, is profound, insidious, and unremitting. Advocates of national planning are especially fond of looking to the White House for leadership because they believe that only the president has the national perspective to plan coherently, to plan comprehensively. Sure, they say, Congress has its role. But Congress, rather than balancing presidential powers, has often simply blocked needed presidential actions because of localized self-interests.

Thus, as almost always during the twentieth century, advocates of a strong presidency lament that presidential powers are not stronger. For the presidency

[33] See, for example, Robert Novak's views in John Hoy and Melvin Bernstein, eds., *The Effective Presidency* (Pacific Palisades, Calif.: Palisades Press, 1976).

[34] Samuel Huntington, "The Democratic Distemper," in *The American Commonwealth,* eds. Nathan Glazer and Irving Kristol (New York: Basic Books, 1976), p. 24.

[35] Schlesinger, *Imperial Presidency*, p. 404. See also a similar theme in Theodore Sorensen, *Watchmen in the Night: Presidential Accountability after Watergate* (Cambridge, Mass.: MIT Press, 1975). For a different view, however, see Philip B. Kurland, *Watergate and the Constitution* (Chicago, Ill.: University of Chicago Press, 1978).

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is America's strongest weapon against those banes of progress: sectionalism, selfish or over-concentrated corporate power, and totalitarianism abroad.

Americans still long for dynamic, reassuring, and strong leadership. Watergate notwithstanding, Americans still celebrate the gutsy, aggressive presidents, even if many of them did violate the legal and constitutional niceties of the separation of powers. It is still the Jeffersons, Jacksons, Lincolns, and Roosevelts that get placed on the top of the lists of great presidents. Time and again, polls indicate that what the country wants most—more than laws and programs—is a few courageous, tireless, assertive leaders in whom the people can put their faith; the type, by the way, who will undoubtedly dominate Congress.

President Carter is also criticized for not having enough confidence in himself or his policy positions. He reverses himself frequently and is too diffident and humble. It is said, for example, that he has bent over too far to play down the arrogance of the White House. Thus, when he goes visiting around the country and says he has come to "learn from the people," the people may be momentarily flattered but soon begin to wonder about him.

In sum, more and more people think the nation in the mid-1970s entered a period of overreaction to Watergate, the Vietnam War, and the Nixon presidency. Some rebalancing was needed, but many in the Congress and elsewhere embarked upon a course that endangered the effectiveness of the presidency. Those who hold to this overreaction thesis say the White House today is enmeshed in a complex web of constraints that hobbles presidents and that would have prevented an FDR or a Lincoln from providing vital leadership. Fears of presidential dictatorship, they say, are much exaggerated. It is unfortunate that people dwell so much on Richard Nixon and his abuse of office. The Nixon presidency, they contend, was one of a kind, and it was dealt with effectively by the impeachment provisions of the Constitution. The central challenge, then, is not to reduce the president's power to lead, to govern, or to persuade, but to check the president's power to mislead and corrupt.

Defenders of the presidency argue that Congress and the reformers have overreacted to Watergate, and they call for the repeal of the War Powers Resolution of 1973, restrictions on the use of legislative vetoes, restraints on the oversight of the intelligence agencies, independence for the executive's use of executive agreements, and in general a word of caution to Congress not to interfere too much in executive branch negotiations in foreign policy and security matters.

There are, however, still many, though clearly a minority, who insist that the reassertion of congressional power is a much-needed corrective that has not gone far enough. Supporters of a truly strong and tenacious Congress question the depth, sincerity, and staying power of congressional assertiveness. They point to President Ford's failure to comply with the War Powers Resolution of 1973 when he ordered military action and bombings in connection with the 1975 rescue of the merchant ship *Mayaguez*. They note that the Defense Department's budgets continue to grow and to pass through the Congress with minimum

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changes. They point to President Carter's penchant for surprising the Congress or for bypassing it entirely with appeals to the public. They contend too that despite all the talk about more and better program oversight, most members of Congress find this type of work the least glamorous, least appealing, and least rewarding—especially in terms of winning reelection. Hence they wonder whether Congress will really maintain its interest in this vital work. They suggest also that despite much talk about strengthening the confirmation process, Congress all too easily lapses back to its traditional "rubber stamp" habits.

Those who want more reform point out that the imperial presidency was at least as much the product of an unassertive Congress as it was of power-hungry presidents. They argue, too, that although Congress may have asserted itself in response to the events of Watergate, the more distant those events become, the less motivated Congress will be to challenge the presidency. This reasoning leads them to note that it is the Congress after Watergate that bears watching, and it is the Congress that needs to develop a leadership strength of its own.

There is also the view that the presidency, as Watergate and the Ford presidency have verified, is an indestructible office, tough and resilient. It readily survived, and Watergate may have actually strengthened it. That is, Watergate had a kind of purifying effect on the office, for after the trauma of 1973–74, many people found a false comfort in the claim that "the system worked." Once Nixon was removed, the problems of the office were assumed to have been eliminated. But to those who still worry about a too strong presidency, this attitude is very dangerous. Americans, they warn, should have been more alarmed than they were, or than they are. The seeds of the imperial presidency are still there.

But the period of post-Watergate reforming has just about run its course. Few new reform ideas are being heard these days. The call for strengthening the presidency is dominant now and likely to be so for the next few years. Fears of another era of congressional government are unfounded. Plainly, the pendulum has already swung back in the other direction, although how far it will swing and what consequences will follow cannot yet be determined.

Conclusion

Relations between Congress and the president are not merely constitutional questions but also struggles for the support of public opinion. People may be more attentive to presidents than to Congress, yet most Americans have reacted to Watergate and the Vietnam War by hoping that Congress will play a more significant role in shaping public policy. Americans cherish the ideal of the separation of powers. But in practice the presidency has become the dominant branch, especially in foreign policy. The president must work with the Congress, but there is still wide latitude granted a president in an era of emergencies. As Larry Tribe has put it, "We are, and must remain, a society led by three equal branches with one permanently 'more equal' than the others: as the

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Supreme Court and Congress are preeminent in constitutional theory, so the President is preeminent in constitutional fact."[36]

Our system of checks and balances must be strong enough for effective leadership, while dispersing power enough to insure liberty. It is when the "national security" is at stake that uncertainties and confusion arise. Justice Robert Jackson warned us that "security is like liberty in that many crimes are committed in its name."[37] Certainly that was so in the recent past.

The balance is delicate, and rebalancing efforts such as the congressional reassertion of the 1970s will often be necessary. The reaction to the imperial or Watergate presidency has been significant, though perhaps not lasting. There is a healthy skepticism toward presidents. There is less glorification of presidents and their policies. We have both bigger and better staffed houses of Congress than ever in the past. There is a new spirit of independence among members of the Congress, who say: "We want a strong and intelligent president, but he has to bear one thing in mind—we got elected, too"; or "The people have not chosen to be governed by one branch of government alone."[38]

There have been campaign finance reforms, open meetings on sunshine laws, a special prosecutor act, and congressional committee restructuring. There is also a new emphasis on accountable and responsible leadership. Strength in the White House these days is judged less on intimidation strategies and more on the quality of solutions, on the president's integrity, know-how, and negotiating skills, and on the quality of the staff he can assemble to help him shape and implement his policies.

Nearly everyone agrees that Congress is likely to remain a more important force in domestic, economic, and foreign-policy making as a result of these new tools and the new restrictions placed on the president. If many of the reforms of the 1970s were symbolic in nature, others did have the effect of permitting Congress to gain the information it needs to play a more responsible role in policymaking activities. Much of the effort at reassertion makes sense, and, although it makes life more difficult for presidents and executive branch officials, it is clearly in keeping with the United States's tradition of dispersed powers and checks and balances. How long will Congress remain an activist influence in policymaking? How long will the American public support the Congress in its more assertive activities? Much will depend, understandably, on how Congress exercises its regained and new influence. Senator Frank Church was undoubtedly correct when he observed in late 1979 that "if Congress exercises its regained powers foolishly, I'm sure the pendulum will swing back again [in the direction of the presidency]."[39]

[36] Larry Tribe, *American Constitutional Law* (Mineola, N.Y.: Foundation Press, 1978), p. 157.

[37] Justice Robert Jackson, *United States ex. rel. Knauff* v. *Shaughnessy*, 338 U.S. 537, 551 (1950).

[38] "The President Versus Congress: Special Report," *National Journal*, 29 May 1976, p. 730.

[39] Quoted in Martin Tolchin, "Congress Broadens Its Influence on Foreign Policy," *New York Times*, 24 December 1979, p. A-9.

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However much the public may want Congress to be a major partner with the president and a major check on the president, the public's support for Congress will always be subject to deterioration. Power is much dispersed in Congress. Its deliberations and quarrels are very public. After a while, the public begins to view Congress as "the bickering branch" or the policy-thwarting branch, especially if there is a vigorous activist in the White House.

Polls show that people think Congress pays more attention to public views than does the president. Assuredly the Congress is a splendid forum that represents and registers the diversity of America. But that very virtue makes it difficult for Congress to provide leadership and difficult for it to challenge and bargain effectively with presidents. Not surprisingly, a wary public, dissatisfied with programs that do not work and policies that do not measure up to the urgencies of the moment, will look elsewhere—which will often be the president, or an aspiring presidential candidate offering himself as an alternative to the president.

How one stands on the question of a strong presidency depends in part on what policies one favors and how those policies are advanced or hampered by the president or Congress.

A theory of cyclical relations between the president and Congress has long been fashionable. It holds that there will be periods of presidential ascendancy followed by periods of congressional ascendancy. Usually these periods have been a decade or more, and sometimes a generation, in length. The analysis suggests that a moderate but brief congressional resurgence has taken place in these immediate post-Watergate years. But the responsibilities of the presidency these days, coupled with the complexities of foreign and economic policy, do not really permit any serious weakening of the office. Congress has regained some of its own lost power and it has very correctly tried to curb the misuse and abuse of power—but it has not really weakened the presidency.

Many will continue to worry about future imperial presidents and about the possible alienation of the people from their leaders as complex issues continue to centralize responsibilities in the hands of the national government and in the executive. Those who are concerned about these matters will not content themselves, nor should they, with the existing safeguards against the future misuse of presidential powers. The difficulty is that so few of the additional safeguards suggested seem to be politically or practically acceptable. It is not easy to contrive devices that will check the president who would misuse powers without hamstringing the president who would use those same powers for purposive and democratically acceptable ends.[40]

In the end, both the president and Congress have to recognize they are not two sides out to "win" but two parts of the same government, both elected to

[40] For discussions of presidential accountability, see William S. Livingston, "Britain and America: The Institutionalization of Accountability," *Journal of Politics* 38, no. 4 (1976): 879–94; Louis Fisher, *The Constitution between Friends* (New York: St. Martin's Press, 1978), and Cronin, *State of the Presidency*, chap. 10.

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pursue together the interests of the American people. Too much has been made by too many presidents and by too many scholars of that ancient but partial truth that only the president is the representative of all the people. Members of Congress do not represent the people exactly as a president does, but its two houses collectively represent them also and in ways a president cannot and does not.*

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The Politics of Nuclear Power: A Subgovernment in Transition

JAMES R. TEMPLES

Even before the accident at Three Mile Island, it was clear that various factors were already converging to produce significant changes in public policy toward the licensing of commercial nuclear power plants. It is the contention of this article that the federal government's role in the development and licensing of such plants from 1946 until the present may best be understood and explained in terms of a nuclear "subgovernment" that has changed over time as the nature of nuclear energy policymaking has shifted from what Theodore Lowi has called "distributive" toward what he terms "regulatory."[1]

The importance of subgovernments in influencing public policymaking in the American political system has been increasingly recognized by numerous observers.[2] Subgovernments are relatively closed and autonomous alliances of political actors operating in a particular specialized policy area and consist of three basic elements: an executive branch agency; the executive branch agency's clientele groups (the interest groups that benefit directly from the programs administered by the agency); and the specialized congressional authorizing and appropriations committees and subcommittees that oversee the agency's budget and programs.

Even as some authors were demonstrating the usefulness of the subgovernment concept in explaining policymaking in various specific policy areas, others were exploring new ways of conceptualizing the policymaking process itself and

[1] Theodore J. Lowi, "American Business, Public Policy, Case Studies, and Political Theory," *World Politics* 16 (July 1964): 677-715.

[2] See, for example, J. Leiper Freeman, *The Political Process: Executive Bureau-Legislative Committee Relations* (New York: Random House, 1965); and Douglass Cater, *Power in Washington* (New York: Random House, 1964).

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developing typologies of different categories of public policies. Lowi was among the first to suggest that the relationships among the many actors and institutions involved in policymaking could be viewed and studied as dependent variables influenced by the nature of the substantive policies involved. He described distributive policies, for example, as those that convey tangible benefits (often in the form of subsidies) to particular individuals or groups. Distributive policymaking, he hypothesized, is generally marked by low public visibility and a lack of competition among the recipients, since the recipients perceive no real "winners" or "losers" and operate on the assumption that the separate benefits conveyed come from an essentially limitless pool of resources. Regulatory policies, by contrast, cannot be so easily disaggregated, since they involve direct governmental efforts to manipulate the behavior of some private individuals or institutions. Regulatory decisions, according to Lowi, often necessitate a clearer choice as to who will be indulged and who deprived—which leads to competition among several groups and hence a moderate degree of public visibility among participants, who compete through shifting coalitions and alliances.

One of the few attempts to combine Lowi's categorization of public policies with the subgovernment concept, both theoretically and empirically, is that of Ripley and Franklin, who suggest the existence of significant differences in the relative influence of subgovernments and other participants in policymaking, depending on the type of policy involved.[3] In distributive policymaking, for example, they argue that the influence of subgovernments is at its height; most decisions are reached "behind the scenes" through logrolling or mutually rewarding cooperation between a congressional subcommittee and an executive branch bureau in order to provide subsidies to a particular interest group or groups. The groups involved and the alliances between them and the governmental components of the subgovernment are relatively stable over time. In regulatory policymaking, on the other hand, subgovernment influence is relatively low, the participants are more visible and competitive, and a broader range of interests comes into play. Shifting, unstable coalitions of different groups vie for favors at the hands of the full Congress, rather than only at the subcommittee or committee level. Moreover, the president (although his ability to intervene may still be relatively limited) has a somewhat greater opportunity to have some impact on regulatory than on distributive policymaking.

Ripley and Franklin also suggest that the participants and nature of decision making in a given policy area may change over time. A number of possible developments may increase the visibilty of a subgovernment and its functions, thereby broadening the number and range of participants and viewpoints involved. On rare occasions, subgovernments may even disintegrate if they are challenged strongly enough by outside forces or are unable to adapt to changing conditions in their environment.

[3] Randall B. Ripley and Grace A. Franklin, *Congress, the Bureaucracy, and Public Policy* (Homewood, Ill.: Dorsey Press, 1979).

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The Birth of the Nuclear Subgovernment

At the dawn of the Atomic Age at the close of World War II, there was no "nuclear industry" as we now know it. The beginning of the symbiotic relationship between the federal government and the nuclear industry is therefore unlike the more typical pattern of co-optation in which an already powerful industry bends government intervention to suit its own desires. The nuclear industry is unique in that the federal government itself is largely responsible for creating as well as sustaining it. As Bruce Welch observes, "Nuclear energy did not develop because of its natural competitive advantage in an open market. It is wholly and completely a product of government design, promotion, and subsidy. Without that active support the nuclear industry would not exist, and even now it could not survive."[4]

It was during the 1946–54 period, then, that the groundwork was laid for what would soon become a tightly closed subgovernment engaged in what was, by Lowi's definition, distributive policymaking. After the atom had been harnessed for military use under the Manhattan Project during World War II, Congress enacted the 1946 Atomic Energy Act to place atomic technology under civilian control and to foster its use for peaceful purposes. Toward that end, the law created the Atomic Energy Commission (AEC), a specialized agency composed of five civilian commissioners appointed by the president and confirmed by the Senate for five-year terms. Congress also created the Joint Committee on Atomic Energy (JCAE) to oversee the AEC. At first, both the AEC commissioners and the JCAE, lacking technical expertise in a new and complex field, were cautious and self-restrained in exercising their authority, leaving it to a General Advisory Committee (GAC) of scientists to formulate AEC policy. After the Soviet Union successfully tested an atomic bomb in 1949 (three years earlier than the GAC had predicted), however, the JCAE grew increasingly skeptical of the GAC's performance and, in the politically charged atmosphere of the cold war competition with the Soviets, became more assertive. After a JCAE investigation of the AEC uncovered evidence of mistakes and lax security procedures, the AEC's first chairman, former Tennessee Valley Authority Director David Lilienthal, resigned. The AEC's denial of a security clearance in 1954 to Dr. J. Robert Oppenheimer (who had previously headed the GAC) marked the beginning of its long history of bureaucratic suppression of internal dissent, which was to extend well beyond the McCarthy era.

In asserting greater control over the AEC, the JCAE also began to emphasize the distributive aspects of nuclear energy policy by pressuring the AEC to do more to help private industry develop and operate commercial nuclear reactors

[4] Bruce L. Welch, "Nuclear Energy on the Dole," *The Nation*, 26 February 1977, p. 231. See also Gregory A. Daneke, "The Political Economy of Nuclear Development," *Policy Studies Journal* 7 (Autumn 1978): 84–90; Harold P. Green and Alan Rosenthal, *Government of the Atom: The Integration of Powers* (New York: Atherton Press, 1963); David Howard Davis, *Energy Politics* (New York: St. Martin's Press, 1978); and Elizabeth S. Rolph, *Nuclear Power and the Public Safety: A Study in Regulation* (Lexington, Mass.: Lexington Books, 1979).

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for the production of electricity. Relationships between the AEC and JCAE became more cordial as the primary concern of both became that of protecting and subsidizing their mutual clientele in the fledgling nuclear industry.

Distributive Policy and the Nuclear Industry after 1954

It was the JCAE that took the initiative in shaping American nuclear energy policy along distributive lines after 1954. At the JCAE's urging, Congress amended the Atomic Energy Act in 1954 to direct the AEC not only to end the federal government's monopoly over nuclear technology by leasing uranium fuel processed in government laboratories to private power companies at bargain prices but also to encourage utilities to build and operate nuclear power plants under AEC licenses. From 1955 through the early 1960s, the AEC's Power Reactor Demonstration Program provided technical assistance and financial subsidies to utilities, while other programs supplied research and development grants and contracts to scientists in industry, universities, and government laboratories. The AEC also supported research on nuclear safeguards, waste management, and new reactor fuels. By the government's own conservative estimates, federal subsidies for civilian nuclear power development were to total more than $9 billion by 1977.[5]

Originally, the AEC had been given the dual responsibilities of promoting the development of nuclear power *and* regulating its safety. These stated objectives proved to be more and more incompatible as time passed. Indeed, safety was hardly discussed at all; the AEC's only concession to safety concerns in the 1950s was to site the still-experimental plants away from large population centers, but even this policy was soon relaxed. In practice, a kind of goal displacement occurred whereby the more easily attainable and politically rewarding goal of promotion crowded out the more problematic and intractable goal of regulation.

Despite federal subsidies, however, private industry remained reluctant to invest large sums of capital and other resources in nuclear energy in the mid-1950s—chiefly because of concern over possible financial liability for damages in the event of accidents. The JCAE responded by persuading Congress to enact the Price-Anderson Act of 1957, which limited the financial liability of utilities operating nuclear reactors to a maximum of $560 million—a limit which stands today, despite inflation and three subsquent AEC-sponsored studies that show that figure to be unreasonably low in view of the probable loss of life and property that would result from a serious nuclear accident.[6] The Price-Anderson Act

[5] Richard Morgan, *Nuclear Power: The Bargain We Can't Afford* (Washington, D.C.: Environmental Action Foundation, 1977), p. 36. This figure does not include other federal subsidies in such forms as investment tax credits, depreciation allowances, and mineral depletion allowances for uranium mining firms.

[6] The AEC-commissioned Brookhaven Report of 1957 estimated that a "worst-case" nuclear plant accident could cause 3,400 deaths and $7 billion in property damage (see U.S. Atomic Energy Commission, *Theoretical Possibilities and Consequences of Major Accidents in Large Nuclear Pow-*

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proved to be the stimulus that the industry and the JCAE had sought; reactor orders increased steadily after 1957, and the first commercial reactor in the United States went into operation near Shippingport, Pennsylvania, that same year.

The JCAE's influence within the nuclear subgovernment stemmed from a combination of resources. First, its formal status among the joint committees of Congress was unique. It was the only joint committee created by statute, and the only one with authority to originate legislation. The normal tendency of Congress to rely on the legislative recommendations of its standing committees was reinforced in the JCAE's case by the secrecy and complexity of its highly technical subject matter. Students of the legislative process such as Richard Fenno have suggested that committee success on the floor is enhanced by stable committee membership; by selective recruitment and effective socialization of new members into the committee's decision-making norms; by a sense of unity and common purpose among committee members; by a reputation for expertise; by effective specialization and division of labor among subcommittees; by the legislative skill of the committee chairman; and by norms of restrained partisanship in committee decision making.[7] On all these counts, the JCAE is generally conceded to have been the most powerful joint committee in congressional history. Its members shared an almost evangelical (and bipartisan) sense of "mission" in promoting nuclear power, as reflected in the statements and actions of such senior committee spokesmen as Representatives Chet Holifield (D-Cal.), Craig Hosmer (R-Cal.), and Melvin Price (D-Ill.), and Senators Bourke Hickenlooper (R-Iowa) and Clinton Anderson (D-N.M.). The JCAE's Subcommittees on Legislation and on Research and Development had particularly close ties to the AEC, apparently dominating the legislative phase of distributive policymaking in supplying subsidies to develop and sustain the nuclear industry.

The JCAE dominated not only congressional but also presidential decisions on nuclear energy policy in the 1950s and 1960s. As is typical of distributive policymaking, successive presidents of both parties deferred (as did Congress) to the JCAE and the AEC. When two vacancies arose on the AEC in 1962, for example, JCAE Chairman Holifield insisted that President Kennedy appoint James T. Ramey, executive director of the JCAE staff, to one. Despite some op-

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er Plants, WASH-740 [Washington, D.C.: U.S. Atomic Energy Commission, 1957]). These figures were revised upward by the AEC in 1965 to 45,000 deaths and $17 billion in property damage, plus possible radioactive contamination of an area the size of Pennsylvania. The new estimates were deliberately withheld from the public for eight years because, as AEC Chairman Seaborg later noted, "We didn't want to publish it because we thought it would be misunderstood by the public" (Rolph, *Nuclear Power*, p. 49). In 1974 the Rasmussen Report (disavowed by the NRC in 1979) estimated that a major reactor accident could cause 3,300 immediate deaths, 45,000 cases of cancer, 5,100 genetic defects, and $14 billion in property damage (see Norman Rasmussen et al., *Reactor Safety Study, WASH-1400* [Washington, D.C.: U.S. Nuclear Regulatory Commission, 1975]).

[7] See Richard F. Fenno, Jr., "The House Appropriations Committee as a Political System: The Problem of Integration," *American Political Science Review* 56 (June 1962): 310-24; and idem., *Congressmen in Committees* (Boston, Mass.: Little, Brown and Co., 1973).

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position to Ramey within the administration, the president yielded when Holifield threatened to block confirmation of any other Kennedy appointees to the commission.[8]

Having set the tone for distributive policymaking in nuclear energy policy, the JCAE's role in the nuclear subgovernment had become routinized by the 1960s, even as the nuclear industry's role grew. The industry was consolidating its economic, organizational, and political strength to lobby for still more federal subsidies. The Atomic Industrial Forum (formed in 1953 as the industry's leading trade association), the American Nuclear Energy Council, the American Nuclear Society, and the Edison Electric Institute spent millions to publish and distribute pro-nuclear "educational" material to schools and the press, in addition to sponsoring "public-service" advertising (much of it tax deductible) extolling the virtues of nuclear power.[9] Joining these groups in lobbying the Congress and the AEC were scientists tied to the AEC through research grants and contracts or employment in AEC laboratories; construction companies; uranium mining firms; architect-engineering firms such as the Bechtel Corporation; and the four major firms (Westinghouse, General Electric, Babcock and Wilcox, and Combustion Engineering) that came to dominate the highly concentrated reactor manufacturing industry. Major oil companies such as Gulf and Exxon also came to share an economic stake in nuclear power through their extensive uranium mining interests and joined utilities and reactor manufacturers in contributing large sums of money to the campaigns of key members of the JCAE.[10] Former congressmen have long been sought after as lobbyists; former JCAE member Craig Hosmer, for example, became director of the American Nuclear Energy Council after leaving Congress.[11] The pro-nuclear lobby also included a number of former commissioners and staff members of the AEC (many of whom were recruited from the industry in the first place because of their technical expertise).[12] The AEC's friendly posture toward the industry,

[8] Green and Rosenthal, *Government of the Atom*, p. 107. See also Ralph Nader and John Abbotts, *The Menace of Atomic Energy* (New York: W. W. Norton and Co., 1977), pp. 272–73.

[9] See John Berger, *Nuclear Power: The Unviable Option* (New York: Dell, 1976), pp. 159–85; Tom Stevenson, "Gloom on the Monongahela," *Saturday Review*, 22 January 1977, pp. 6–12, 55; Sheila Harty, "The Fortune 500 Goes to School," *Environmental Action*, 20 May 1978, pp. 3–7; Don B. Cullimore, "Debunking Madison Avenue," *Environmental Action*, 24 September 1977, pp. 8–10; and Anna Gyorgy et al., *No Nukes: Everyone's Guide to Nuclear Power* (Boston, Mass.: South End Press, 1979), pp. 67–69.

[10] The U.S. Senate Committee on Energy and Natural Resources reported in 1977 that thirteen of the top twenty corporate holders of domestic uranium reserves were oil and gas companies and that twelve of these firms controlled 50 percent of the market. See U.S., Congress, Senate, Committee on Energy and Natural Resources, *Petroleum Industry Involvement in Alternative Sources of Energy*, 95th Cong., 1st sess., 1977, p. 326.

[11] Nader and Abbotts, *The Menace of Atomic Energy*, p. 273.

[12] Such developments are but further instances of the "revolving door" relationship that has long characterized the operations of many of the so-called independent federal regulatory commissions, which have frequently been "captured" by the very interests they ostensibly regulate. See Marver H. Bernstein, *Regulating Business by Independent Commission* (Princeton, N.J.: Princeton University Press, 1955); Louis M. Kohlmeier, Jr., *The Regulators: Watchdog Agencies and the Public Interest*

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coupled with its limited manpower and budget for inspection and research, led the commission to rely heavily on industry data, self-reporting, and self-policing in many matters of reactor design and safety standards.

Throughout the 1950s and 1960s, then, complacency and lack of scrutiny by Congress, several presidents, the press, and the general public allowed nuclear power plant licensing policy to be made in secret by a relatively small number of individuals and groups which together constituted a cozy subgovernment interested chiefly in promotion rather than regulation. As a result, most AEC reactor-licensing hearings prior to 1970 were uncontested and routine. Other forces, however, soon began to disturb and fragment the nuclear subgovernment and challenge its exclusive control over nuclear energy policy.

The Transition toward Regulatory Policy

It should be understood that the transition from distributive to regulatory policy in the licensing of nuclear power plants has been gradual, uneven, continuous, and by no means complete. Many critics of nuclear energy would argue, perhaps rightfully, that nuclear-licensing policy is in fact still more distributive than regulatory. Yet some significant changes have occurred since 1974.

The dynamics of change in subgovernments are not yet fully understood, but often involve what Schattschneider terms an expansion in the scope of conflict or, as Jones puts it, an expansion in the size of the interested public in a particular policy area.[13] Hadwiger adds that change in subgovernments may also result from incidents that either demonstrate subgovernment negligence or otherwise activate legislative, executive, or judicial institutions outside the subgovernment's boundaries.[14] Ripley and Franklin also suggest that "disintegration may occur because the subgovernment loses jurisdiction over its issues (either because of a reshuffling of congressional or bureaucratic boundaries or because of a redefinition of the issue as nondistributive), or because it has been weakened by repeated losses on a series of individually minor challenges, or because it has collapsed in the face of a major challenge."[15]

In a shift from distributive to regulatory policymaking, according to Ripley and Franklin, one would expect greater public visibility (and a corresponding reduction in subgovernment dominance); greater involvement by the full House

(New York: Harper & Row, 1969); David M. Welborn, *Governance of Federal Regulatory Agencies* (Knoxville: University of Tennessee Press, 1977); and Kenneth J. Meier and John P. Plumlee, "Regulatory Administration and Organizational Rigidity," *Western Political Quarterly* 31 (March 1978): 80–95.

[13] E. E. Schattschneider, *The Semisovereign People* (Hinsdale, Ill.: Dryden Press, 1960), pp. 16–19; and Charles O. Jones, "Speculative Augmentation in Federal Air Pollution Policy-Making," *Journal of Politics* 36 (May 1974): 438–64.

[14] Don F. Hadwiger, "Agriculture Policy," in *Nationalizing Government: Public Policies in America*, eds. Theodore J. Lowi and Alan Stone (Beverly Hills, Calif.: Sage Publications, 1978), pp. 85–100.

[15] Ripley and Franklin, *Congress, the Bureaucracy, and Public Policy*, p. 94.

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and Senate as congressional committee and subcommittee influence declines; congressional dominance when conflict occurs within a subgovernment; and increasing presidential involvement.[16] Each of these trends is evident in nuclear energy policymaking since 1974.

A variety of political and economic developments began to weaken the traditional nuclear subgovernment's grip over reactor-licensing policy while reshaping that policy to include more emphasis on regulation. These developments included an expansion in the number and range of participants and viewpoints involved (largely as a result of challenges from interest groups outside the subgovernment); mounting evidence of negligence by both government and the nuclear industry, coupled with growing public concern over nuclear safety and declining public trust and confidence in governmental and other institutions; increasingly serious economic problems within the industry itself; the increased public visibility and importance of energy policymaking in general after the 1973–74 oil embargo by OPEC; governmental reorganization of the nation's energy policymaking machinery; and changing budgetary priorities in federal energy research and development expenditures.

The growth of the environmental and "public-interest" law movements in the late 1960s and early 1970s led to the strengthening and renewal of many traditional "conservation" interest groups and the formation of new groups demanding a voice in environmental and energy policymaking. Congress responded with new legislation (such as the 1969 National Environmental Policy Act and other laws designed to reduce air and water pollution) and the creation of new federal executive branch agencies such as the Environmental Protection Agency (EPA) and the President's Council on Environmental Quality (CEQ).[17] Meanwhile, environmentalists, antinuclear activists, and public-interest lawyers began to challenge AEC procedures in the federal courts and to appear as intervenors in AEC reactor-licensing hearings. Though unsuccessful in preventing the licensing of new reactors, such challenges did increase the public visibility of nuclear decision making and, in the view of many participants, served to help "educate" the press and the general public on nuclear safety issues. New groups such as the Union of Concerned Scientists (UCS), made up largely of engineers and technicians (some of whom had resigned from the nuclear industry or the AEC because of their concerns over nuclear safety), gave the loosely organized

[16] Ibid., pp. 123–24.

[17] See Walter A. Rosenbaum, *The Politics of Environmental Concern* (New York: Praeger, 1977); and J. Clarence Davies III and Barbara S. Davies, *The Politics of Pollution* (Indianapolis, Ind.: Pegasus Books, 1975). The 1969 National Environmental Policy Act's "environmental impact statement" provisions have proven particularly valuable as a legal tool for environmentalists in the federal courts. See Richard A. Liroff, *A National Policy for the Environment: NEPA and Its Aftermath* (Bloomington: Indiana University Press, 1976); Frederick R. Anderson, *NEPA in the Courts: A Legal Analysis of the National Environmental Policy Act* (Washington, D.C.: Resources for the Future, 1973); Steven Ebbin and Raphael Kasper, *Citizen Groups and the Nuclear Power Controversy: Uses of Scientific and Technological Information* (Cambridge, Mass.: MIT Press, 1974); and Lynton K. Caldwell, Lynton R. Hayes, and Isabel MacWhirter, *Citizens and the Environment: Case Studies in Popular Action* (Bloomington: Indiana University Press, 1976).

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antinuclear movement the credibility and technical expertise it needed to challenge pro-nuclear forces on their own ground. UCS efforts were joined by those of such groups as the Sierra Club, Friends of the Earth, the Natural Resources Defense Council, the Scientists' Institute for Public Information, and the Committee for Nuclear Responsibility, along with such prominent individuals as consumer advocate Ralph Nader and scientists Barry Commoner, John Gofman, Arthur Tamplin, Harold Urey, George Wald, Linus Pauling, and George Kistiakowsky.

Litigation, research, and lobbying by these individuals and groups helped focus greater public, media, and congressional attention on the nuclear industry's arrogance and negligence, as well as on the federal government's long record of ignoring or suppressing data on such unresolved issues as the adequacy of the Emergency Core Cooling System for nuclear reactors and the health effects of "normal" leakages of radioactivity from existing plants. These critics further revealed that the government had never devised an effective plan for the permanent storage and disposal of radioactive wastes (some of which remain deadly for thousands of years) or for the decommissioning of existing nuclear plants once they become obsolete after thirty-five to forty years. Critics also charged that the government and the nuclear industry had misled the public by deliberately understating the dangers of such accidents as those at the government's Idaho Falls test site (1961), the Fermi reactor near Detroit (1966), Browns Ferry, Alabama (1975), and elsewhere.[18] Furthermore, antinuclear activists contended, the industry's continued reliance on the Price-Anderson Act proved that it did not really believe its own propaganda about the remote probability of a serious accident.

Meanwhile, the economic woes of the nuclear industry in the mid-1970s made it more vulnerable to outside intervention and weakened its ability to resist moves to expand the scope of conflict and the number of participants. Utilities had to spend large amounts of capital in order to comply with new environmental regulations and were faced with skyrocketing cost overruns on nuclear plants and rising fuel costs. Uranium prices quadrupled between 1973 and 1977, apparently as the result of dwindling supplies and the price-fixing efforts of an international uranium cartel (in which Gulf Oil later admitted it had been a leading

[18] NRC files show that nearly 3,000 "incidents" or "events" involving "abnormal" occurrences or violations of NRC safety regulations are routinely reported each year at American nuclear plants. See Berger, *Nuclear Power*, pp. 54–90; McKinley C. Olson, *Unacceptable Risk: The Nuclear Power Controversy* (New York: Bantam Books, 1976), pp. 32–36, 58–64; Christoph Hohenemser, Roger Kasperson, and Robert Kates, "The Distrust of Nuclear Power," *Science*, 1 April 1977, pp. 25–34; John G. Fuller, *We Almost Lost Detroit* (New York: Ballantine Books, 1975); David Comey, "The Incident at Browns Ferry," in *The Silent Bomb: A Guide to the Nuclear Energy Controversy*, ed. Peter Faulkner (New York: Vintage Books, 1977), pp. 3–22; Daniel F. Ford, Henry W. Kendall, and Lawrence S. Tye, *Browns Ferry: The Regulatory Failure* (Cambridge, Mass.: Union of Concerned Scientists, 1976); Lawrence S. Tye, *Looking But Not Seeing: The Federal Nuclear Power Plant Inspection Program* (Cambridge, Mass.: Union of Concerned Scientists, 1978); and Environmental Action Foundation, ed., *Accidents Will Happen: The Case Against Nuclear Power* (Washington, D.C.: Environmental Action Foundation, 1979).

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participant).[19] Nuclear plants already "on line" were operating at an average of less than 65 percent of capacity because of mechanical breakdowns and construction errors that necessitated frequent shutdowns for repairs.[20] Gregory Daneke's analysis concluded that "a simple audit of the nuclear industry's performance thus far would indicate that it has cost twice as much as estimated and delivered half of what was promised."[21] Growth in U.S. demand for electricity slowed from 8 percent per year before 1973 to less than 3 percent by 1978. New reactor orders dropped sharply from 41 in 1973 to 5 in 1975, 3 in 1976, 4 in 1977, and only 2 in 1978. Between 1974 and 1976, U.S. utilities canceled orders for 23 reactors and deferred plans for 143 more.[22] Such data seemed to underscore critics' claims that nuclear power was not only unsafe, but uneconomic and unnecessary as well, and could not survive without continued government subsidies.[23] By 1977, there was talk of a "nuclear recession," and nuclear power was losing whatever cost advantages it might once have had over other fuels as world prices of oil, coal, and natural gas soared. The average time required for completion of a nuclear plant had reached twelve years, and *Business Week* predicted in 1978 that "within 10 years, the U.S. nuclear industry is apt to contract dramatically, and it may collapse altogether."[24]

The Decline of the Joint Committee on Atomic Energy, 1974–77

By 1974, both the Nixon administration and Congress had finally come to realize the anomaly of vesting both promotional and regulatory responsibilities for nuclear power in the same agency. Each also questioned the wisdom of continuing to spend 86 percent of federal energy research and development funds on the nuclear option, to the exclusion of other energy alternatives. Congress in particular now had the capability and the will to be more assertive toward the nuclear subgovernment and the president in redirecting federal energy priorities. Partisan conflict between a Republican president and a Democratic Congress undoubtedly played some role in what followed, but so did the growing realization among congressmen of both parties of how much power Congress had given up to the executive branch. A reassertion of congressional prerogatives in both for-

[19] David Burnham, "Gulf Aides Admit Cartel Increased Price of Uranium," *New York Times*, 17 June 1977, p. A-1; Tim Metz and Byron E. Calame, "Gulf Oil Now Faces New Heat over Role in Uranium Scheme," *Wall Street Journal*, 25 April 1977.

[20] "Nuclear Dilemma: The Atom's Fizzle in an Energy-Short World," *Business Week*, 25 December 1978, p. 58.

[21] Daneke, "The Political Economy of Nuclear Development," p. 86.

[22] "Nuclear Industry Pushes Licensing Reform," in *Energy Policy*, ed. Congressional Quarterly, Inc. (Washington, D.C.: Congressional Quarterly, Inc., 1979), pp. 105–14.

[23] See Julian McCaull, "The Cost of Nuclear Power," *Environment* 18 (December 1976): 11–16; Steven Harwood et al., "The Cost of Turning it Off," ibid., pp. 17–20; William Metz, "Nuclear Goes Broke," *The New Republic*, 25 February 1978, pp. 23–25; Gus Speth, "The Nuclear Recession," *Bulletin of the Atomic Scientists* 34 (April 1978): 24–27; and Richard Munson, "Nuclear Power: The Price is Too High," *The Nation*, 12 May 1979, pp. 535–39.

[24] "Nuclear Dilemma," *Business Week*, 25 December 1978, p. 54.

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eign and domestic policy was evident following Watergate and the end of U.S. involvement in Vietnam. Moreover, Congress had taken a number of steps to improve its own information-gathering resources and access to technical expertise by hiring additional staff, expanding the auditing and investigative functions of the General Accounting Office (GAO), and creating a congressional Office of Technology Assessment (OTA) in 1972 and a Congressional Budget Office in 1974.[25]

Along with other energy legislation enacted in the wake of the 1973–74 OPEC oil embargo, Congress approved a modified version of a proposal originally submitted by President Nixon in 1973, adding more emphasis on energy conservation and alternative energy sources than the original administration bill had proposed. The Energy Reorganization Act of 1974, passed by Congress in October 1974, abolished the AEC and divided its functions between two new agencies. Its regulatory duties went to the new Nuclear Regulatory Commission (NRC—whose five members are appointed by the president and confirmed by the Senate, just as in the old AEC), while research and development functions were transferred to the Energy Research and Development Administration (ERDA).[26] In Lambright and Teich's view, this expression of congressional will constituted a clear challenge to subgovernment dominance and signaled that

> the nuclear option would be subjected to ever-increasing scrutiny. The tight nuclear energy policy subsystem had thus been broken. A much more loosely-coupled structure embracing many energy alternatives replaced it. One could still argue that nuclear received the lion's share of funds and manpower, but from the standpoint of energy policy, this broadening represented a major change.[27]

The same congressional forces for change that produced ERDA and the NRC subsequently dealt another blow to the institutional structure of the legislative side of the nuclear subgovernment in 1977, when Congress abolished the venerable Joint Committee on Atomic Energy. This development was actually the culmination of a series of legislative defeats for the JCAE on such specific issues as uranium-enrichment legislation, nuclear weapons proliferation, and the nomination of an NRC commissioner.[28] Opponents of the JCAE had now proven that it was no longer the invincible institution of years past. Other committees had begun to encroach upon its once-exclusive jurisdiction, and many legislators had come to view the JCAE as an anachronism wedded to a single energy source at a time when Congress was appropriating more money than ever before for a variety of energy alternatives. With increased staff assistance and

[25] See Lawrence C. Dodd and Richard L. Schott, *Congress and the Administrative State* (New York: John Wiley and Sons, 1979), pp. 248–62; W. Henry Lambright and Albert H. Teich, "Policy Innovation in Federal R & D: The Case of Energy," *Public Administration Review* 39 (March–April 1979): 141–47; and Barry M. Casper, "The Rhetoric and Reality of Congressional Technology Assessment," *Bulletin of the Atomic Scientists* 34 (February 1978): 20–31.

[26] "President Signs Energy Reorganization Bill," *Congressional Quarterly Weekly Report*, 19 October 1974, pp. 2925–26.

[27] Lambright and Teich, "Policy Innovation," p. 144.

[28] Nader and Abbotts, *The Menace of Atomic Energy*, pp. 287–92.

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technical expertise available from such sources as OTA and GAO, Congress was no longer dependent on the JCAE for information or advice. After several veteran JCAE members retired or were defeated in the 1976 congressional elections, opponents succeeded in a move to abolish the JCAE and divide its authorization and oversight responsibilities among five other committees in the House (Interior and Insular Affairs, Armed Services, Commerce, Foreign Affairs, and Science and Technology) and three in the Senate (Energy and Natural Resources, Armed Services, and Environment and Public Works).

A Shift in Policy Priorities

Initially, prospects for major changes in federal energy research and development policy under ERDA's direction looked dim. Skeptics noted that 85 percent of ERDA's budget and personnel came from the old AEC and that 75 percent of the new agency's direct operating budget for nonmilitary research and development for fiscal 1976 (the first full fiscal year of its existence) was devoted to nuclear power. Expenditures for the experimental "breeder" reactor alone totaled $304 million—nearly as much as the $373 million for all nonnuclear technologies (fossil fuels, solar, geothermal, and energy conservation) combined.[29]

Congress, however, responding to lobbying by solar advocates and to an OTA report critical of ERDA's "narrow" approach, began to increase ERDA's nonnuclear research and development appropriations. In fiscal 1977, the nonnuclear portion of ERDA's budget rose to 32 percent, and by the time ERDA was absorbed into the new Department of Energy (created by Congress at President Carter's request in 1977),[30] nearly half (45 percent) of ERDA's 1978 research and development funds went to nonnuclear programs—a proportion still too low in the eyes of most nuclear critics, even though this did constitute a 220 percent increase over 1976 levels. (Nuclear research and development expenditures, by contrast, increased by 68 percent during the same period.) These changing budgetary priorities did not mean that Congress was ready to abandon nuclear power, however; it extended the Price-Anderson Act for another ten years in 1975 and remained enthusiastic in appropriating funds for the research and development of an experimental breeder reactor at Clinch River, Tennessee—a clear example of the survival of some elements of distributive policymaking.

But the experimental breeder project was soon challenged by President Carter, who entered into nuclear policymaking more directly than had any of his predecessors. In his 1976 presidential campaign, Carter, stressing his experience as a naval nuclear engineer, won the votes of many environmentalists and nuclear critics by pledging to support nuclear power only as a "last resort" and prom-

[29] U.S. Office of Management and Budget, *The Budget of the United States Government, Fiscal Year 1978—Appendix* (Washington, D.C.: Government Printing Office, 1977), p. 617.

[30] Davis, *Energy Politics*, pp. 244–47; Bob Rankin, "New Department Given Wide Energy Powers," *Congressional Quarterly Weekly Report*, 30 July 1977, pp. 1581–84.

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ising to place more emphasis on energy conservation and solar power. As president, Carter's record on nuclear issues proved to be considerably more ambivalent than those remarks had suggested. On the one hand, several Carter appointees to the NRC won praise from environmentalists for their willingness to consider tougher regulation and stricter scrutiny of nuclear power.[31] Environmental groups also applauded Carter's 1977 decision to cancel further federal funding for the Clinch River breeder reactor on the grounds that the deadly plutonium it would produce was a key ingredient in nuclear weapons and would only add to already-serious problems of nuclear proliferation, possible theft, and waste disposal. This decision, a direct reversal of the nuclear priorities of Presidents Nixon and Ford, angered the nuclear industry and its congressional allies and touched off a running battle between the president and Congress which still remains unsettled.[32]

On the other hand, Carter disappointed his environmental constituency in other decisions on energy policy. Many who supported Carter's battle against the breeder were bitterly opposed to his appointment of former AEC Chairman James Schlesinger to head the new Department of Energy in the cabinet. Some environmentalists charged that Schlesinger's pro-nuclear bias was reflected in his own appointments, promotions, and decisions within the Department of Energy and in a leveling off of expenditures for solar and other alternative technologies after 1978.[33] Carter also shocked and angered many environmentalists by proposing new legislation to speed up the licensing of nuclear power plants and to bypass some existing procedural safeguards in the NRC licensing process. The Carter bill proposed to allow preselection and approval of potential plant sites; to encourage standardization of plant design; to authorize the NRC to grant combined construction permits and operating licenses; to give federal funds and technical assistance to states to assess their nuclear needs; to authorize the NRC to pay the legal expenses of intervenors who challenge on environmental or safety grounds the construction of nuclear plants; and to restrict further legal challenges to licensing by prohibiting intervenors from raising the

[31] The Union of Concerned Scientists, for example, lauded the open-mindedness of commissioners Peter Bradford and John Ahearne. See Daniel F. Ford, "There May Be Some Hope," *Nucleus* 1 (November 1978): 2; and Dick Kirschten, "The Curious Goings-on at the Nuclear Regulatory Commission," *National Journal*, 27 May 1978, pp. 839–43.

[32] When Congress defied President Carter by authorizing $80 million to continue development of the Clinch River breeder in 1977, the president vetoed the bill. Since then, Congress has continued to appropriate roughly $15 million a month in supplemental appropriations to keep the breeder alive; more than $2.6 billion has now been spent on the project. Congress appropriated $762 million for the breeder for fiscal 1980; the president's fiscal 1981 budget request, however, asked for only about half that amount. See "House Insists Work Continue on Clinch River Reactor," *Congressional Quarterly Weekly Report*, 28 July 1979, p. 1501; "Coal, Not Nuclear Power, Gets Top Energy Billing," ibid., 2 February 1980, pp. 316–18; and "The Fiscal 1981 Energy Budget," *Nuclear News* 23 (March 1980): 34–40.

[33] Steven E. Ferrey, "The Nuclear Plough Horses: Carter's Unstated Energy Plan," *The Nation*, 18 March 1978, pp. 294–97.

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same objections at successive hearings by different regulatory bodies.[34] House and Senate committees held hearings on the bill in 1978, but declined to act on it. The Carter bill drew the expected fire from nuclear opponents, but nuclear industry spokesmen themselves expressed only lukewarm support at best because they objected to some provisions and felt that others did not go far enough in removing regulatory obstacles to nuclear plant construction and licensing.

For those who had hoped that the NRC would depart markedly from the blatant promotionalism of the AEC, the NRC's record thus far has been quite mixed. At first, there were few grounds for optimism. A 1976 Common Cause study revealed that 65 percent of the NRC's top personnel were recruited from private enterprises holding NRC licenses, permits, or research contracts, thus raising questions about possible conflicts of interest in NRC staff decision making.[35] NRC staff engineer Robert Pollard resigned in 1976 to work for the Union of Concerned Scientists because he had concluded that the commission was ignoring unresolved safety issues and lying to the public.[36] Ralph Nader, testifying before Congress, charged that the NRC had "adopted the rhetoric of reform," but was "continuing . . . to mislead the Congress and the American people on the hazards associated with nuclear power."[37] The proportion of the NRC's budget devoted to reactor regulation, inspection, and enforcement averaged only 26.3 percent for fiscal years 1976–78.[38] By 1979, only twenty-six of the nation's seventy-two operating nuclear power plants were covered by permanent federal inspectors.[39] The House Interior and Insular Affairs Committee expressed disappointment with the NRC's failure to be "frank" and "forthright" in its relations with Congress and accused some NRC commissioners and staff of harboring the old AEC notion "that there exists a duty to protect nuclear power from its critics rather than lay out all the facts, no matter how unpleasant they might be."[40]

[34] See "Nuclear Industry Pushes Licensing Reform," in *Energy Policy*, Congressional Quarterly, pp. 105, 111–12; William D. Metz, "Nuclear Licensing: Proposed Reform Miffs All Sides of Nuclear Debate," *Science*, 11 November 1977, pp. 590–93; U.S., Congress, House, Committee on Interior and Insular Affairs, *Nuclear Siting and Licensing Act of 1978*, Parts II–III, 95th Cong., 2d sess., 1978; U.S., Congress, Senate, Committee on Environment and Public Works, *Nuclear Siting and Licensing Act of 1978*, 95th Cong., 2d sess., 1978; "Reform Bill Drifts," *Nuclear News* 21 (July 1978): 49–51; "Reform Bill Founders," ibid. (September 1978): 112–14; and Ann Pelham, "Congress to Take a New, Hard Look at Nuclear Power," *Congressional Quarterly Weekly Report*, 7 April 1979, pp. 621–24.

[35] Common Cause, *Serving Two Masters* (Washington, D.C.: Common Cause, 1976).

[36] Nader and Abbotts, *The Menace of Atomic Energy*, p. 55.

[37] U.S., Congress, House, Committee on Interior and Insular Affairs, *States' Rights, Moratoria, and NRC Licensing Reform*, Part I, 95th Cong., 1st sess., 1977, p. 326.

[38] U.S. Office of Management and Budget, *The Budget of the United States Government, Fiscal Year 1978*, p. 759.

[39] David Burnham, "Nuclear Officials Believe Accident Will Bring Many New Regulations," *New York Times*, 13 April 1979, p. A-1.

[40] Kirschten, "The Curious Goings-on at the Nuclear Regulatory Commission," p. 839.

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Future historians may mark 1979, however, as a turning point for the politics of nuclear power in the United States. In that year, in the face of new evidence of past negligence by both government and industry, the NRC began to display signs of a new candor about its own mistakes, much of the general public became more concerned than ever before about the risks of nuclear energy, and both the Congress and the president showed renewed determination to exercise stricter oversight and regulation of the nuclear industry in the future.

In January 1979, the NRC, in a direct reversal of its past position, officially disavowed the validity of the leading AEC-commissioned study of nuclear power plant safety—the so-called Rasmussen Report.[41] Named for its principal author, MIT nuclear engineering professor Norman Rasmussen, the study had been cited by the NRC and the nuclear industry to rebut charges by opponents of nuclear energy since its release in 1975. Using computer forecasting techniques, Rasmussen had estimated at 1 in 1 million the chances of any individual being killed in a catastrophic nuclear plant accident, roughly the probability of a meteorite striking a large city. When the Union of Concerned Scientists, the Environmental Protection Agency, and others questioned the validity of many of the report's basic assumptions, methods, and conclusions, the NRC appointed a special scientific panel, chaired by physicist Harold Lewis of the University of California at Santa Barbara, to review the study. Four months after the review group had concluded that the Rasmussen Report was misleading and unreliable, the NRC concurred. House Interior Committee Chairman Morris K. Udall (D–Ariz.) praised the NRC's action as "a hopeful sign that the NRC is becoming an objective regulator that the Congress has sought."[42] The NRC's admission of error in the case of the Rasmussen Report was followed in mid-March by an NRC order to shut down five nuclear plants after it was learned that a computer model used to estimate the ability of these plants to withstand earthquakes was faulty.

Three Mile Island and Its Aftermath

On 28 March 1979 the most serious nuclear accident in U.S. history occurred at the Three Mile Island–II (TMI) reactor near Harrisburg, Pennsylvania. A combination of mechanical malfunctions and human error caused the reactor to overheat dangerously until there seemed to be a real possibility of a massive core "meltdown" and release of radioactivity into the surrounding area. Some radioactive water and gases did escape, but most experts argued that the levels of exposure were too low to pose a serious and immediate health hazard. (Critics pointed out, however, that cancers caused by radiation may take as long as thirty years to develop and that the long-term effects of even small doses of radioactivity are not yet fully understood.) Confusing and conflicting statements to the

[41] David Burnham, "Nuclear Agency Revokes Support for Safety Study," *New York Times*, 20 January 1979, p. A-1.

[42] Ibid., p. A-19.

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press and to the public by NRC officials and representatives of Metropolitan Edison, the utility company that operated the reactor, did little to reassure worried citizens. The situation was not brought under full control until nearly a week later, after thousands of persons living near the plant had been evacuated; the reactor remains closed indefinitely due to the high levels of radioactivity still trapped inside.[43]

Nationwide public opinion surveys taken before and after TMI documented growing public concern over nuclear safety; but these surveys also showed that the public was not yet willing to foreclose the nuclear option. While a large majority (63 percent) opposed the construction of nuclear plants in their own communities and 57 percent expressed support for a moratorium on the licensing of new reactors until safety defects could be corrected, 63 percent continued to believe that nuclear power was important to the nation's energy future, and 65 percent opposed the shutdown of all existing U.S. nuclear power plants. Only 24 percent favored such an immediate shutdown.[44]

Separate investigations of TMI by the NRC staff, several congressional committees, and a specially appointed presidential study commission later revealed a pattern of pervasive negligence on the part of both the NRC and Metropolitan Edison before and during the accident. Critics noted that NRC files contained evidence of many prior safety violations and mechanical failures at the TMI reactor, but that these warning signs had been ignored. It was disclosed that in 1975 the NRC had exempted the plant from revised, strengthened safety regulations because the reactor was already under construction and a retroactive application of the new rules was deemed "impractical" and "economically unfeasible"—a fact that John Kemeny, president of Dartmouth College and chairman of the President's Commission on the Accident at Three Mile Island, termed "shocking."[45] At the 1977 licensing hearings for the reactor, the utility company and the NRC staff had produced a parade of some fifty-five expert witnesses to testify in support of the application, while a coalition of environmental groups challenging the licensing decision was forced by lack of funds to make its case with only one expert—a chemist who testified on the health effects of radioactivity.[46] There was also evidence that the TMI reactor had been rushed into operation on 30 December 1978 in order to give Metropolitan Edison a tax de-

[43] See The President's Commission on the Accident at Three Mile Island, *Report of the President's Commission on the Accident at Three Mile Island* (Washington, D.C.: Government Printing Office, 1979); and Ellyn R. Weiss, "Three Mile Island: The Loss of Innocence," in *Accidents Will Happen*, Environmental Action Foundation, pp. 17–42.

[44] See Connie de Boer, "The Polls: Nuclear Energy," *Public Opinion Quarterly* 41 (Fall 1977): 402–11; Adam Clymer, "Poll Shows Sharp Rise Since '77 in Opposition to Nuclear Plants," *New York Times*, 10 April 1979, p. A-1; and George Gallup, "Majority Favors A-Power Plants," *Washington Post*, 15 April 1979.

[45] Ward Sinclair, "NRC Pictured as Mired in Minutiae, at Expense of Safety," *Washington Post*, 2 June 1979; and B. Drummond Ayres, Jr., "Atom Plant Was Exempt from Curb on Radiation," *New York Times*, 2 June 1979, p. A-18.

[46] House Committee on Interior and Insular Affairs, *Nuclear Siting and Licensing Act of 1978*, Part II, p. 924.

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preciation claim for that year.[47] The operators of the reactor had scored well above the industry average on their federal licensing exams, yet such human errors as an unexplained manual shutoff of the reactor's Emergency Core Cooling System at a critical point clearly exacerbated the problems caused by equipment malfunctions.[48] NRC spokesmen acknowledged that the TMI accident was of a type which had not been foreseen and for which the reactor operators had not been properly trained. Senator Gary Hart (D-Colo.), chairman of the Senate Environment and Public Works Committee's Subcommittee on Nuclear Regulation, charged that, "at its worst, we have a 19th century industry running a 21st century technology."[49]

In spite of the fact that the NRC is supposed to assist utility companies and state and local governments in preparing emergency evacuation plans for areas surrounding reactors in the event of a serious accident, NRC approval of such plans is not legally required. Only twelve states had NRC-approved evacuation plans at the time of TMI (Pennsylvania's plan had not yet been approved).[50] Critics charged, moreover, that many of the plans for the rapid evacuation of large urban areas were hopelessly unrealistic. The NRC's performance during the TMI crisis was also criticized. The NRC's director of reactor regulation, Harold Denton, did not arrive on the scene to take charge of the situation until two days after the initial mishap had occurred. Transcripts of closed NRC meetings during the crisis indicated much confusion and a lack of coordination between the NRC and Pennsylvania state officials. At one point, NRC Chairman Joseph Hendrie, trying to maintain communication with Pennsylvania Governor Richard Thornburgh, complained that "his information is ambiguous, mine is non-existent and—I don't know—it's like a couple of blind men staggering around making decisions."[51] The transcripts also showed Hendrie complaining about press coverage of the incident and asking, "Which amendment is it that guarantees freedom of the press? Well, I am against it."[52] Senator Hart

[47] Lisa Myers, "Charge A-Plant Rush to Save Tax," *Chicago Sun-Times*, 6 April 1979.

[48] The NRC staff's own investigation of TMI placed most of the blame for the accident on human error by the plant operators. See B. Drummond Ayres, Jr., "Panel Blames Human Error for Nuclear Reactor Mishap," *New York Times*, 3 August 1979, p. A-8. Most reactor operators are only high-school graduates and may fail parts of the NRC's licensing exam as long as their overall score is 70 percent. The reactor operators at TMI had scored well above the industry average on their licensing exams (see John R. Emshwiller, "Atomic Showdown: Three Mile Island Puts Focus on the Operators at all Nuclear Plants," *Wall Street Journal*, 22 October 1979).

[49] Thomas O'Toole and Joanne Omang, "Nuclear Inquiry Cites Absence of Cooling Water," *Washington Post*, 1 May 1979. Less than two months after TMI, the nuclear industry suffered another blow when an Oklahoma federal court jury awarded $10.5 million in damages to the family of the late Kerr-McGee employee Karen Silkwood after finding the company negligent in her contamination by plutonium. See William K. Stevens, "Silkwood Heirs Win $10.5 Million in Setback to the Nuclear Industry," *New York Times*, 19 May 1979, p. A-1.

[50] Elaine S. Knapp, "Fallout Begins from Atomic Accident," *State Government News* 22 (May 1979): 5.

[51] " 'Second Guessing . . . in the Blind,' " *Washington Post*, 14 April 1979.

[52] T. R. Reid and Ward Sinclair, "Nuclear Plant Mishap Initially Confused NRC," *Washington Post*, 13 April 1979.

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criticized the NRC's handling of TMI as indicating "a very serious gap in the NRC's capacity in crisis mangement situations."[53]

On 30 October 1979 the Kemeny Commission presented its official report on TMI to the president.[54] The report found that:

—Metropolitan Edison did not have sufficient knowledge, expertise, or personnel to operate the TMI-II reactor or maintain it adequately.

—The most serious health effect of the accident was severe mental stress on area residents, and the amount of radioactivity released was so small that it would be unlikely to cause any additional cases of cancer.

—Federal and state officials were not adequately prepared to handle such a major accident as occurred at TMI.

—While operator error contributed significantly to the accident, equally at fault were poorly designed instruments and the fact that the industry and the NRC failed to heed warning signals and analyze information which, if acted upon, could have lessened or prevented the accident.

The commission made the following recommendations.

—Nuclear plant operator training should be upgraded by requiring operators to graduate from government-accredited training centers.

—Congress should abolish the NRC as it is presently structured and replace it with a new agency headed by a single administrator, appointed by the president and confirmed by the Senate (as in the case of the Environmental Protection Agency, for example).

—Future nuclear plants should be built in remote areas away from major population centers (this would be a return to the AEC policy of the early 1950s), and existing plants near large cities should be subjected to stricter safety requirements.

—Nuclear power plants should be subject to periodic relicensing on the basis of public hearings, inspections, and performance criteria.

—The NRC should issue no new construction permits or operating licenses in

[53] T. R. Reid and Bill Peterson, "NRC Considered Creating Accident It Understood," *Washington Post*, 14 April 1979.

[54] See The President's Commission on the Accident at Three Mile Island, *Report*, pp. 7–25, for an overview of the commission's conclusions. Useful summaries and commentaries on the Kemeny report include Eliot Marshall, "Kemeny Report: Abolish the NRC," *Science*, 16 November 1979, pp. 796–98; David Burnham, "Three Mile Island Panel Critical of Utility and U.S. Regulators," *New York Times*, 23 October 1979, p. A-1; William J. Lanouette, "The Kemeny Commission Report," *Bulletin of the Atomic Scientists* 36 (January 1980): 20–24; and Harold P. Green, "On the Kemeny Commission," ibid. (March 1980): 46–48. Six members of the commission, including the chairman, voted to recommend a moratorium on the licensing of new nuclear reactors until the panel's recommendations were adopted, but the proposal failed to win the absolute majority of seven required for approval under the commission's rules.

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states without NRC-approved emergency plans for dealing with nuclear accidents.

Many of these same recommendations were reiterated in the January 1980 report of the Special Inquiry Group that was commissioned by the NRC and headed by Washington attorney Mitchell Rogovin.[55]

The recommendations of the Kemeny and Rogovin reports for a single administrator of the nuclear regulatory agency received a cool reception from President Carter, most members of Congress, and four of the five NRC commissioners.[56] However, the NRC indicated its support for other specific reforms in the wake of Three Mile Island by adopting a self-imposed moratorium on the licensing of new reactors (a pause that ended in March 1980 when the NRC issued its first operating license since the accident); by taking steps to improve safety standards and communications between the commission, state and local governments, and reactor operators; by imposing larger fines for safety violations (and asking Congress to increase the maximum fines that the NRC could assess against reactor operators); and by requesting more funds from Congress not only to increase the NRC's inspection staff and to place a full-time inspector at each reactor site, but also to begin a pilot program to allow the commission to pay the legal expenses of intervenor groups challenging NRC licensing decisions.

President Carter announced that he fully agreed with the "spirit and intent" of the Kemeny Commission's recommendations and that nuclear safety was his "top priority." (He also expressed continued support for nuclear power, however, declaring that "we do not have the luxury of abandoning nuclear power or imposing a lengthy moratorium on its future use.")[57] The president then removed NRC commissioner Hendrie from his position as chairman (but Hendrie retained his seat on the commission) and, after asserting that the NRC needed "new leadership," named commissioner John Ahearne as acting chairman until a replacement could be appointed from outside the commission. Carter also announced his intention to ask Congress to strengthen the

[55] See David Burnham, "Report on Nuclear Accident Holds Agency Is Unable to Insure Safety," *New York Times*, 25 January 1980, p. A-13; and Luther J. Carter, "A New Call for Abolishing the NRC," *Science*, 8 February 1980, pp. 624-26.

[56] See Ann Pelham, "Congress More Skeptical of Nuclear Power's Future," *Congressional Quarterly Weekly Report*, 24 November 1979, pp. 2663-8; and Joanne Omang, "Amid Criticism, NRC Official Gossick Quits," *Washington Post*, 6 November 1979. Something of a philosphical split exists among the five NRC commissioners. Republicans Joseph Hendrie and Richard Kennedy have been more inclined to accept the nuclear industry's assurances of safety, while Democrats Peter Bradford and Victor Gilinsky have been more skeptical. The third Democratic commissioner, John Ahearne (acting chairman of the NRC at the time of this writing, 1 April 1980), has frequently been characterized as the "swing vote" on the commission and was the only member of the NRC to support the idea of a single administrator for the agency, as recommended by the Kemeny and Rogovin panels.

[57] Eliot Marshall, "Carter Backs 'Spirit' of Kemeny Report," *Science*, 21 December 1979, p. 1380. See also Ann Pelham, "Carter Urges New Nuclear Plant Licensing," *Congressional Quarterly Weekly Report*, 15 December 1979, pp. 2845-46.

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chairman's administrative authority; proposed the creation of an "expert advisory committee" to monitor the implementation of the Kemeny Commission's reforms; asked the NRC to accelerate its program to place a resident inspector at all American nuclear plants; directed the Federal Emergency Management Agency to review state emergency plans for dealing with nuclear accidents; called for modernization and standardization of reactor equipment and better training for reactor operators; agreed with the Kemeny panel's recommendation that new reactors be sited in remote areas; and reluctantly supported the NRC's self-imposed "pause" in the licensing of new reactors that was adopted after Three Mile Island. Carter added that the NRC should finish implementing his suggested reforms as quickly as possible and in no event later than May 1980. Congressional advocates of stricter oversight and tougher regulation of nuclear plants by the NRC began to use fiscal 1980 energy authorization and appropriations bills as vehicles for placing new restrictions on the NRC's administrative discretion in some ways while expanding its regulatory powers in other ways. The House of Representatives rejected an amendment by Representative Edward Markey (D-Mass.) to impose a moratorium on the licensing of new nuclear reactors in states without NRC-approved emergency plans for coping with nuclear accidents; instead, the House adopted language that merely required the NRC to review state emergency plans.

In the Senate, amendments were added to the NRC's fiscal 1980 authorization legislation to require the shutdown of reactors in states without NRC-approved emergency plans by 1 June 1980; to allow the NRC, for the first time, to seek criminal penalties against plant operators who knowingly violate federal safety regulations; to ban the disposal of nuclear wastes in the oceans; and to require the NRC to notify state authorities during interstate transportation of nuclear wastes. But the Senate rejected an amendment offered by Senators Hart and Kennedy (D-Mass.) to impose a six-month moratorium on the issuance of any new nuclear plant construction permits by the NRC. Also defeated was an amendment by Senator McGovern (D-S.D.) to give the states veto power over storage of nuclear wastes within their boundaries. (Shortly after the Senate vote, the House Government Operations Committee released an investigative report charging the NRC with negligence, misleading the public, and a lack of strong leadership and constructive planning to deal with nuclear accidents.) Both houses eventually agreed to appropriate additional funds to the NRC's Office of Inspection and Enforcement and to increase the NRC's authority to impose civil penalties against reactor operators who knowingly violate NRC safety regulations.[58]

[58] See Ann Pelham, "Senate Bill Would Close Nuclear Plants in States Without Emergency Plans," *Congressional Quarterly Weekly Report*, 21 July 1979, pp. 1441–42; idem., "Nuclear Moratorium Rejected," ibid., 1 December 1979, p. 2707; and idem. "Key Congressmen Seeking Conference Action This Year on Nuclear Commission Bill," ibid., 8 December 1979, p. 2780.

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Conclusion

The hopes and expectations of some that the Three Mile Island incident and the Kemeny Commission's report would prove to be the catalysts to bring about a fundamental change in American public policy toward the development of nuclear power have not yet been fully realized. Yet the chain of events described here may be viewed as significant steps in the evolution of nuclear energy policymaking from a distributive to regulatory nature. Lowi's conceptual scheme, together with the subgovernment concept, appears to provide a useful and coherent explanatory framework for analyzing and understanding the political history of nuclear energy policymaking at the national level in the United States since 1946. In particular, the growing congressional involvement in resolving nuclear policy conflicts, as exemplified by Congress's abolition of the JCAE and the AEC and by its increasing scrutiny of the NRC, has created further pressures for reform and at least the potential for more effective regulation—despite the limitations in how far Congress seems willing or able to go in that direction.

Yet congressional oversight of the NRC is threatened not only by the highly technical nature of the subject matter involved and by Congress's limited time and technical expertise, but also by institutional weaknesses within the structure of Congress itself—most notably, the increasing fragmentation of committee jurisdiction over nuclear oversight that has occurred in the wake of the JCAE's demise. As Dodd and Schott have noted, the growing power of subcommittees in the 1970s and the rise in multicommittee surveillance of particular executive branch agencies have contributed to a weakening of congressional bargaining power vis-à-vis the agencies and to intercommittee jurisdictional squabbles and disputes, which tend to work against more effective legislative oversight.[59] Thus, perhaps somewhat paradoxically, Congress's very success in challenging the nuclear subgovernment by phasing out the JCAE may have done more in the long run to hamper strong, coordinated, effective legislative oversight of nuclear energy policy than to improve it. The scramble by several different committees to carry on simultaneous investigations of Three Mile Island and to recommend new legislation did elicit some useful information and contributed to pressure for reforms, but the long-range impacts of congressional reaction to TMI remain to be seen. However irresponsible and biased the JCAE's performance might have been, it at least offered a vehicle for centralizing congressional monitoring and oversight of the NRC in one place.

In the executive branch, the NRC no longer operates as the primary distributor of subsidies to the nuclear industry (some would argue that that role has now been supplanted by the Department of Energy), as did its predecessor, but is, however gradually, increasing its consciousness of regulatory and safety issues. The greater involvement of the president in setting nuclear energy policy, even

[59] Dodd and Schott, *Congress and the Administrative State*, pp. 170–79.

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though it may or may not result in any sweeping changes, is also more in keeping with regulatory than with distributive policy. Relationships among the primary actors and institutions involved in formulating and implementing nuclear energy policy, then, remain fluid, unstable, and in a state of transition—as do the nation's energy policies in general. Further energy policy research might usefully compare recent developments in nuclear power plant licensing policy with those in oil and natural gas, two arenas where the current trend seems to be away from the regulation of the past and toward newer and less predictable forms of policymaking. Use of the distributive-regulatory policy framework could perhaps shed some new light on such trends and contribute new insights into the role of subgovernments in influencing the public policymaking process in the American political system.

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The International Fund for Agricultural Development

ROSS B. TALBOT

At the 1974 World Food Conference there was unanimous agreement (Resolution XIII) that an International Fund for Agricultural Development should be established immediately to finance agricultural development projects primarily for food production in the developing countries. On 13 December 1977—some three years later—the International Fund for Agricultural Development (IFAD) became a reality, thus officially becoming the thirteenth specialized agency of the United Nations and constituting the only new United Nations fund created in the 1970s. Those considerations alone make IFAD worthy of serious academic attention.

The establishment of IFAD is an important event that, at least potentially, could be of moderate consequence to those who live in an environment that, to use Robert McNamara's phrase, must be portrayed as one of "absolute poverty."[1] That is, IFAD's principal target is "the poorest of the poor": those 959 million persons in 1975 who lived in twenty-eight nation-states in which the average GNP per capita income was $140 (U.S.), according to estimates of the World Bank. It should be emphasized, moreover, that the central and limited objective of IFAD is to improve significantly the production of food, both quantitatively and qualitatively, in those nations. As stated in its Articles of Agreement (Article 2), "The objective of the Fund shall be to mobilize addi-

[1] This is from McNamara's address, as president of the World Bank, before the bank's Board of Directors at its annual meeting, Nairobi, 1973.

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tional resources to be made available on concessional terms for agricultural development in the developing Member States."[2]

In this article, three principal questions will be asked: Why was the resolution to establish IFAD proposed and unanimously agreed to at the Rome Conference—the agenda period? Why was the final agreement to set up IFAD stalemated over most of a three-year period (1974–1977)—the negotiations period? Why are the accomplishments of IFAD likely to be modest, at best, in the near future—the inauguration period?

The Agenda Period

The political climate at the World Food Conference was hardly one of calm and ordered reflection on the world food situation. The media of the world concentrated on the short-run, immediate problems of food aid. The very intensive emphasis on that particular issue caused severe embarrassment and serious political discomfort within the U.S. delegation that officially took the position that the principal purpose of the conference was to decide on ways and means to assist the Third World (poverty) nations in improving their own capacities to produce food.[3] Indeed, Resolution I strongly affirmed this theme: "Highest priority should be given to policies and programmes for increasing food production and improving food utilization in developing countries, so as to achieve a minimum agricultural growth rate of four percent per annum."[4]

A comprehensive history of the World Food Conference has yet been written, thus one must be wary in advancing an explanation of the genesis of the IFAD (or fund) concept.[5] Even prior to the opening of the conference, the fund concept, in varied forms, had been proposed by Mexico, Sierra Leone (for the African Group), and Bangladesh.[6] Formally, it was first proposed by the Secretary-General Sayed Ahmed Marei, who, in his plenary address to the conference, espoused the organization of a World Food Authority (which, in a considerably weakened form, was to become the World Food Council) and the establishment of what was first referred to as an agricultural development fund. A few days thereafter, a visibly elated Marei was able to announce that twenty-two nations, including six major oil-producing nations, were supporting a draft resolution for an agricultural development fund. A final draft was presented on

[2] United Nations, *Agreement Establishing the International Fund for Agricultural Development* (IFAD/1), Rome, 30 November 1977, p. 3.

[3] For a general review of this controversy, see Ross B. Talbot, ed., *The World Food Problem and U.S. Food Politics and Policies: 1972-1976* (Ames: Iowa University Press, 1977), pp. 130-76.

[4] United Nations, *Report of the World Food Conference: Rome, 5–16 November 1974* (E/Conf. 65/20), June 1975, p. 4.

[5] However, note the comments in Thomas G. Weiss and Robert S. Jordan, *The World Food Conference and Global Problem Solving* (New York: Praeger, 1976), pp. 61–64.

[6] U.S., Congress, Senate, Committee on Agriculture and Forestry, *The World Food Conference: Selected Materials . . .* (Washington, D.C.: Government Printing Office, 1974), pp. 250–53.

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14 November 1974 by twenty developing nations. All of the major oil producers, except Iraq and Nigeria, supported this proposal.[7]

This conference was held approximately one year after the Organization of Petroleum Exporting Countries (OPEC) had successfully enforced a world oil embargo, and the subsequent impact of quadrupled oil prices had created a severe economic shock that was being deeply felt by nearly all of the developing countries, as well as by the nations that were members of the Organization for Economic Cooperation and Development (OECD). The developing nations were in very serious need of financial assistance; OECD members were fully convinced that some, if not most, of this financial aid for the Third World should come from OPEC; and at least some of the OPEC members were under heavy fire from the developing nations to provide such economic aid.

Apparently OPEC advocates of the fund were divided internally in the conference's First Committee: Iran and Venezuela argued that contributions to the fund should be based on some wealth criteria—generally, per capita income based on GNP. Saudi Arabia, Kuwait, and the United Arab Emirates argued against criteria based on wealth, presumably on the grounds that it was not a politically feasible proposal; that is, the OECD's Development Assistance Committee (DAC) nations would then oppose the fund proposal, and thereby it would quite likely be defeated. But a compromise position was worked out in the committee on November 14, and that afternoon it was announced that a fund proposal (Resolution XIII) had been agreed upon—50 percent would come from OPEC, 50 percent from OECD.[8]

There was little open opposition to the fund proposal. B. Runov, the Soviet Union's deputy minister of agriculture and the principal Soviet delegate at the conference, told a *Pan* reporter, "We think it is a good resolution."[9] When Resolution XIII was debated by the full conference, the delegate for the Federal Republic of Germany (West Germany) announced that "his Government preferred to channel its bilateral and multilateral aid in the agricultural sector and then would substantially increase that assistance through the existing [international financial] institutions."[10]

Behind the scenes, the United States at first opposed the fund idea. As a counterstrategy, the U.S. delegation (chaired by Secretary of Agriculture Earl Butz) proposed, in Committee III, the establishment of a less rigid, more informal coordinating structure that would seek to generate the necessary development funds. The original position of the United States concerning the establishment of IFAD was: "The U.S. supported the proposal in hopes that it will be used as

[7] *Pan* (Newspaper of the World Food Conference), 10–11 November 1974, p. 5; and 16 November 1974, p. 3; see also Weiss and Jordan, *World Food Conference,* p. 61.

[8] *Pan,* 15 November 1974, p. 8. This announcement produced a kind of electric effect as "the conference mood changed from gloom to something approaching good cheer" (ibid.)

[9] Ibid.

[10] United Nations, Economic and Social Council, *World Food Conference: Note by the Secretary-General* (E/5587), 22 November 1974, p.45.

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a vehicle for promoting development by the countries with surplus oil revenues, but the U.S. has no present intention of contributing to the Fund, and will continue directing its substantial multilateral contributions through existing institutions."[11] After it became reasonably clear that OPEC would give substantial financial support to the fund, however, the position of the United States changed to reluctant and qualified acquiescence, which later was transformed into a policy of enthusiastic endorsement.

In retrospect, one should probably see the agreement to establish IFAD as an aftermath event that was largely ordained by five prior, contemporary events of worldwide significance—the United States-Soviet wheat deal; the institutionalization of the developing nations into a Group of 77; the Arab-Israeli war; the success of OPEC's price-escalating strategy; and the world food crisis that had developed primarily because of adverse weather conditions in some major food-producing and Third World nations. Very succinctly, the United States had largely committed its food reserves and had thereby dissipated its (limited) ability to use food aid as a principal political instrument. Some of the OPEC members (those in the Middle East, primarily) were accumulating monetary reserves with extraordinary success but in the process had added significantly to the already severe economic problems of the Third World nations. In essence, there was in process a substantial, highly asymmetrical redistribution of the world's wealth, but this redistribution only aggravated the food production and food supply problems of the poverty nations.

The Negotiation Period

On 17 December 1974 the U.N. General Assembly endorsed the extensive set of resolutions that had been agreed to at the World Food Conference. Resolution XIII had requested U.N. Secretary-General Kurt Waldheim "to convene urgently" a meeting of all "interested" nations in order to work out the necessary details, "including the size of and commitments to the Fund."[12] Following a series of informal consultations, primarily with the principal sponsors from OPEC and DAC, Waldheim called for this meeting to be held in Geneva on 5–6 May 1975 to discuss the establishment of IFAD.[13]

When Executive Director of the World Food Council John Hannah made his first report to that new organization on June 23, he was generally optimistic and observed that, in his opinion, "agreement will be reached so that the Fund can come into operation in early 1976."[14] Hannah's optimism was not prophetic;

[11] Earl L. Butz, United States Representative, *Official Report of the United States Delegation to the World Food Conference* (Washington, D.C.: Government Printing Office, 1974), p. 30

[12] United Nations, *Report of the World Food Conference*, p. 13.

[13] U.N., World Food Council, *The International Fund for Agricultural Development* (WFC/10), 8 May 1975. After the U.N. General Assembly agreed to set up a World Food Council, Secretary-General Waldheim chose John Hannah (a former administrator of the U.S. Agency for International Development) to be its executive director.

[14] U.N., World Food Council, *Report to the First Session of the World Food Council* (WFC/L.1), 23 June 1975, p. 6.

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the fund came into operation nearly two years later. Why was the delay so extensive? We must necessarily keep before us the unique nature of this fund proposal. It set up a triumvirate power structure (OPEC, DAC, Group of 77). If all three agreed on the basic issues that had to be decided, the institutionalization of IFAD would be relatively simple. But without such unanimity there would be no IFAD, and the attainment of a consensus proved to be much more complicated than had originally been anticipated.

The Ad Hoc Working Group

Altogether, governments of sixty-six nations, plus seven intergovernmental organizations, participated in the Geneva meeting. North-South relations were rather unstable, even contentious, by this time; the negotiating sessions on energy, which would later result in the setting up of a Conference on International Economic Cooperation (CIEC), had not gone well the previous month in Paris.[15] The political and economic demands of the Group of 77 were a continuing media event. Nevertheless, the so-called Meeting of Interested Countries proceeded in a constructive fashion. Saudi Arabia proposed an initial target of 1 billion Special Drawing Rights (SDR) for the capital of the fund (which at that time would have been the equivalent of over $1.2 billion [U.S.]), and this proposal seemed to be acceptable to at least some of the other OPEC participants. The DAC members were less specific in terms of what they were willing to contribute, but their rhetoric was positive, although restrained. There was a consensus that many questions—operational, procedural, and technical—would have to be formulated and consented to before IFAD could become a reality. In consequence, an ad hoc Working Group, composed of nine states from each segment of the triumvirate (a total of twenty-seven), was appointed, with instructions to complete its work by the end of September 1975. The first meeting of this Working Group was held on June 30 in Rome, at which time the World Food Council's Secretariat presented a draft of the Articles of Agreement for consideration.

Two further sessions of the Working Group were held in Rome, in October 1975 and January-February 1976. These sessions were forward-looking and constructive, and by the end of the third session there was general agreement on the draft articles for IFAD.[16]

During much of 1975, U.S. strategy toward the proposed fund was in the process of transformation. Secretary of State Kissinger seemed to have finally concluded that U.S. food and agricultural policy was too important to be decided by the market-economy, social Darwinist ideology of Secretary Butz. Moreover, on June 27 in a letter to President Ford there was a "bipartisan, bicameral

[15] *New York Times,* 6 May 1975, p. 3.

[16] U.S., Agency for International Development, *Report on Plans for U.S. Participation in and Operation of the International Fund for Agricultural Development,"* rev. ed. (in-house), 18 June 1976, p. 3. Also, *The Economist,* 15 October 1975, p. 98; and *Christian Science Monitor,* 20 October 1975, p. 13.

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initiative by 14 Senators and 14 House members" essentially in support of Secretary Kissinger's recent "initiatives" in which the signers proposed a U.S. contribution of $200 million to IFAD.[17] When the House Committee on International Relations reported *H.R. 9005* (International Development and Food Assistance Act of 1975) on August 1, the $200 million authorization was included. And when Secretary Kissinger addressed the U.N. General Assembly on September 1 (his speech was delivered by Ambassador Moynihan), among his many important proposals was the following: "President Ford has asked me to announce that he will seek authorization of a direct contribution of $200 million to the fund [IFAD]—provided that others will add their support for a combined goal of a least $1 billion."[18] With uncommon speed, by December 9 both houses of Congress had agreed to *H.R. 9005,* and it was signed by President Ford on December 20.

By 6 February 1976 some sixty nations had given their tentative affirmation to IFAD's Articles of Agreement. In accordance with a resolution of the U.N. General Assembly which had been adopted the previous December, the U.N. secretary-general was then requested to call a meeting of a Conference of Plenipotentiaries after he had determined that there was a considerable likelihood the DAC and OPEC countries were ready to pledge a total of 1 billion dollars (U.S.), rather than the original goal of 1 billion SDRs (roughly $1.2 billion [U.S.]).

Waldheim decided on April 26 to call the Conference of Plenipotentiaries into session in Rome on June 10 and 11. The meeting was extended for two days; difficulties had already begun to appear. The Commission of the European Economic Community (EEC) had proposed that the EEC should contribute $200 million to IFAD. But at a meeting of the Council of Ministers late in January 1976 the French government opposed this plan.[19] This setback was subsequently counteracted, however, by pledges of $50 million by West Germany, $40 million by the Netherlands, and $30 million each by Canada and the United Kingdom. Then on April 21, Saudi Arabia announced a pledge of $50 million in addition to whatever pledge would be made by the Governing Committee of the OPEC Special Fund. Soon thereafter Iran made the same announcement, pledging the same amount.[20] But this harmony of pledges was soon interrupted by disagreements. At a CIEC meeting in late April, it appeared that any major differences between DAC and OPEC had been satisfactorily talked out. Neverthe-

[17] U.S., Congress, House, Committee on International Relations, *International Development and Food Assistance Act of 1975: Report on H.R. 9005,* 94th Cong., 1st sess., 1975, H. Rept. 94-442, pp. 46-49.

[18] U.S., Department of State, *Bulletin* 73, no. 1891, 22 September 1975, pp. 425-41.

[19] The French position was concisely stated by *The Economist* as follows: "They have always maintained that the EEC should concentrate its aid on those areas with which it has a special relationship, meaning the former French and British colonies, and, not the 46 countries of the African, Caribbean, and Pacific group covered by the Lomé convention" (31 January 1976, p. 59).

[20] *Wall Street Journal,* 22 April 1976, p. 5; and *New York Times,* 11 May 1976, p. 3, and 16 May 1976, p. IV-4.

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less, when the OPEC finance ministers met in Paris on May 10 and 11, it was decided that their contribution would be no more than $400 million, and that amount was based on a total contribution of at least $600 million from, essentially, the OECD nations—that is, a total fund of not less than $1 billion.

When Ibrahim E. L. Shahata, the director general of OPEC's Special Fund, met in early May with the members of the Preparatory Meeting for the second session of the World Food Council, he defended this decision, claiming that OPEC's contribution was liberal if judged "by objective criteria such as relative national wealth, relative income or gross national product."[21] That is, the principle of "rough parity" did not assume—indeed, should not assume—an equal contribution from economic unequals.

After extended and sharp debate at the Conference of Plenipotentiaries in June, IFAD's Articles of Agreement were agreed to by the ninety participating nations. In addition, the conferees adopted a statute of a Preparatory Commission for the International Fund for Agricultural Development which, in substance, set up an eighteen-nation Preparatory Commission (with six members from each wing of the triumvirate) to work out the final arrangements for the establishment of IFAD.

Several very complicated problems arose at this meeting and the conference was extended two days (until June 13) in order to work out the difficulties.[22] One debate centered around Israel, who claimed the status of a Category III member, which would make Israel eligible to receive IFAD loans or grants. The Group of 77 vehemently opposed according Israel this status; a compromise ruling designated Israel as a Category III member, but with the proviso that it would not apply to IFAD for any financial assistance. The Group of 77 further demanded that the conference adopt resolutions, to be included in the articles, against racism, neocolonialism, and apartheid. An accommodation was finally worked out to the effect that the records of this conference, but not the articles, would show that the proposed resolutions had been adopted. The most disturbing situation, however, centered around the $1 billion fund for which there were pledges for only some $930 million; therefore, the Articles of Agreement could not be opened for signature by the attending nations. As Martin Kriesberg observed, there were available alternatives to the $1 billion stipulations: "Individual OPEC countries might make individual contributions outside of their pledge through the OPEC Special Fund. Alternatively, the two groups of donors might agree to open the Agreement for signature at some level less that $1000 million. Operations might begin when $750 million were actually deposited. Provisions are made for this."[23]

[21] U.N., World Food Council, *Report of the Preparatory Meeting* (WFC/26), 18 May 1976, p. 8. At the month-long and very contentious meeting of the United Nations Conference for Trade and Development (UNCTAD) in Nairobi in May 1975, Japan and Australia announced that they would contribute $50 million and $10 million, respectively, to IFAD.

[22] United Nations, Food and Agriculture Organization, *News,* 14 June 1976; *Wall Street Journal,* 14 June 1976, p. 16.

[23] U.S., Department of Agriculture, International Development Staff, *Newsletter of Interna-*

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Nevertheless, the decision of the conference was to wait until the pledges totaled at least $1 billion.

The $70 million difference hardly seems a formidable amount in this world of multibillion dollar budgets, but in this instance that shortage came to have significant political meaning. OPEC members were adamant; half of their $800 million Special Fund was to be allocated to IFAD, but no more. Some of the DAC members were not particularly enthusiastic about the formation of another international organization, especially one that would emphasize concessional loans and grants. Moreover, the United States was faced with a legal as well as a political problem. Congress had authorized and appropriated $200 million for IFAD, but that fund had to total at least $1 billion equivalent in convertible currencies.[24] Otherwise, the U.S. contribution would be proportionately lower; and there was also the sticky requirement of an "equitable burden sharing." In the grantsmanship sense of the term, some nation or nations had to pledge at least $70 million more in order for IFAD to become operational.

The OPEC finance ministers met in Vienna on August 5 and 6 and apparently worked out policy positions regarding IFAD; for example, priority areas for loans and criteria for granting loans. But there was no move to increase the size of their grant.[25] At the first meeting of the Preparatory Commission of IFAD, however, the Iranian delegate announced that his government would contribute an additional $20 million; the delegates from the Philippines and Sri Lanka also increased their convertible-currency contributions. Both Waldheim and Hannah had been involved in an extensive amount of fund raising, so their labors were not without success.[26] Nevertheless, when Hannah reviewed the fund controversy at this opening session of the Preparatory Commission, he could only announce that the total pledges had reached "about U.S. $965 million."[27]

This "you first, Henry—after you, Ali" dialogue continued,[28] so Waldheim postponed the second meeting of the Preparatory Commission until Hannah and he could do more negotiating. And their extensive efforts proved effective. At the second session of the Preparatory Commission (Rome, December 13–16), Hannah was able to announce that "the remaining gap of US $31

tional Development Organizations, 2 May–21 June 1976, p. 1. Kriesberg was the coordinator of the International Organization Affairs, Economic Research Service, U.S. Department of Agriculture.

[24] See House Committee on International Relations, *Report on H.R. 9005.*

[25] *Washington Post,* 6 August 1976, p. D-11, and 7 August 1976, p. 32; *New York Times,* 6 August 1976, p. IV-3, and 7 August 1976, p. 32

[26] According to one version, "Hannah was in New York in September lobbying with the OPEC delegations to the U.N. and squeezed an extra $20 million from Iran, but the rest of OPEC held tight" (William Steif, "OPEC Welshes on a Promise," *Saturday Review,* 13 November 1976, p. 14).

[27] United Nations, IFAD, Preparatory Commission, *Report of the First Session,* Rome, 27–30 September 1976, p. 11. By acclamation, Abdelmuhsin M. Al-Sudeary of Saudi Arabia was elected chairman of the Preparatory Commission, and Philip Birnbaum (United States) and Jean S. Camara (Guinea) were chosen as vice-chairmen; the World Food Council furnished the secretariat staff.

[28] *Christian Science Monitor,* 2 November 1976, p. 1.

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TABLE 1

Major Contributors to IFAD

Donor		Amount ($ million)
Canada		33.7
France		25.0
Germany		55.0
Italy		25.0
Japan		55.0
Netherlands		39.6
Norway		23.6
Sweden		25.5
United Kingdom		32.0
United States		200.0
Other OECD		52.9
	Subtotal	567.3
Iran		125.0
Kuwait		36.0
Nigeria		26.0
Saudi Arabia		105.5
Venezuela		66.0
Other OPEC		77.0
	Subtotal	435.5
LDCs (in convertible currency)		9.0
Total		$1,011.8

Source: United Nations, IFAD, Development Coordination Committee, *Development Issues*, 3d Annual Report, April 1978, p. 57.

million'' had been overcome.[29] Saudi Arabia initiated the compromise formula: OPEC nations would contribute half ($15.5 million), if OECD nations would increase their contributions in an equal amount. Whereupon Venezuela added $10 million to its pledge and Saudi Arabia followed with a $5.5 million addition. Then Norway announced an increase in its pledge by $10 million; West Germany, Canada, and Japan each contributed an additional $3 million.[30] (Table 1 provides a composite list of the major contributors and the amount of their contribution.)

This meant, of course, that the $1 billion goal had been attained, although barely so ($1,011,776,023 in freely convertible currencies). Nonetheless, Hannah had to announce that the Articles of Agreement could still not be opened

[29] United Nations, IFAD, Preparatory Commission, *Report of the Second Session,* Rome, 13–16 December 1976.

[30] Ibid., p. 10. Norway and Venezuela worked out an agreement whereby they would offer a resolution in the U.N. General Assembly to have $20 million ($10 million each) of their contributions to the U.N. Special Fund transferred to IFAD. Smaller increases, some in U.S. dollars or convertible currencies and some in nonconvertible currencies, were also announced by Honduras, Cameroon, Argentina, Thailand, and Sierra Leone.

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for final signatures until the reservations stipulated by some of the pledging nations had been removed, which they did within the coming week.

Obviously this was a meeting at which harmony prevailed among all three groups—OPEC, OECD, and the Group of 77. The commission proceeded to set up a nine-nation committee of experts who were to meet for about a week in February to prepare a paper on lending criteria and development strategies, the two crucial issues that remained to be resolved.

One controversial issue did come to the fore at the December meeting: where would the permanent headquarters of IFAD be located? The Food and Agriculture Organization of the United Nations (FAO) and the World Food Council preferred Rome; so did most of the OECD nations. But the Iranian government made its first bid by inviting the Preparatory Commission to meet in Teheran for its third meeting, with any extra expenses to be paid by the government of Iran. This invitation was accepted without dissent. Most unexpectedly, however, Iran withdrew its invitation by the next February. No official explanation was offered for that extraordinary decision. According to the Iranian government, there had arisen other "unexpected but very urgent commitments."[31]

Toward the Establishment of IFAD

The third session of the Preparatory Commission was held in Rome, 4–7 April 1977. Substantively, the most important matter was the report of the Working Committee (nine experts—again equally distributed by thirds) relative to lending policies and criteria. Some compromises had to be made. The principal target groups were to be "the poorest people in the poorest countries," but "small farmers, small fishermen, and landless workers" of all developing countries were also to be eligible for financial assistance.[32] The issue was of particular significance to the relatively wealthier Latin American nations who were concerned that a too stringent set of criteria would make them ineligible for grants and loans. Also, it was tentatively agreed (all of these agreements were subject to final approval by the Governing Council) that there would be three main types of loans: "special loans on highly concessional terms, carrying a service charge of 1 percent and a maturity period of 50 years; loans on intermediate terms with an interest rate of 4 percent and a maturity period of 20 years; and loans on ordinary terms with an interest rate of 8 percent and a maturity period of 15 to 18 years."[33]

The controversy over a permanent site for IFAD continued to fester. It was agreed that this issue would procedurally have to be resolved by a two-thirds vote of the Governing Council, but there was a vigorous dispute over the ques-

[31] For a different interpretation, see, *The Interdependent* (United Nations Association of the United States of America), May 1977, p. 2.

[32] United Nations, IFAD, Preparatory Commission, *Report of the Third Session,* Rome, 27 May 1977, p. 45.

[33] *UN Chronicle,* May 1977, p. 32.

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tion of how this vote was to be arrived at—that is, by a roll call vote or a secret ballot, with the OECD nations favoring the latter.[34] Also, there was a good deal of foot-dragging by both the OECD and OPEC donors relative to final depositions of the Articles of Agreement. By mid-April, some forty nations (nearly all of them developing nations) had formalized their acceptance, but this included only Venezuela and Kuwait among the OPEC group and none of the OECD group. The relevant committees in the U.S. Congress had reviewed and approved the Articles of Agreement, as was required by Public Law 94-161, but the United States was delaying this final step in order to leave open some negotiating room on three unresolved issues: the fund's site, the election of IFAD's president, and the U.S. candidacy for IFAD's office of vice-president. Furthermore, the OECD delegations were moderately miffed when "the Secretariat unveiled a top-heavy plan calling for a [professional] staff of almost 100 by the end of 1978."[35] It had been agreed that the implementation of the articles would be carried out primarily by the existing international financial organizations—that is, the World Bank, the International Development Association (IDA), and the regional development banks. This meant that the IFAD staff would be involved primarily in planning, managerial, and coordination functions, and the OECD position was that a staff of less than 50 professionals could effectively fulfill these responsibilities.

At the fourth and final meeting of the Preparatory Commission (11-15 July 1977) several compromises had to be worked out.[36] First, IFAD's general budget for calendar year 1978 was reduced by $1.2 million from the Secretariat's proposal, which meant a budget of $6.2 million. The U.S. delegation strongly backed the reduction. Second, it was agreed that IFAD's professional staff was to be gradually increased to a total of not more than forty-four by the end of two years of operations—again, a decision vigorously supported by the United States.

Third, the Secretariat had proposed that IFAD should try to negotiate twenty-four development projects during its first calendar year, but this figure was reduced to eighteen, twelve of which were to be cofinanced with other international financial institutions. The U.S. delegation advocated this reduction. Fourth, the Secretariat had proposed a "flexible" salary schedule for the professionals who would be recruited, which really meant a higher salary schedule than that permitted by the U.N. "common system." It was finally agreed, with full U.S. support, that IFAD must adhere "quite closely" to the

[34] U.S. Department of Agriculture, *Newsletter of International Development Organizations,* 1 March-15 April 1977, pp. 1-2.

[35] Ibid., p. 2. The Secretariat's proposal was that there would be a "nucleus" staff of 44 professionals, which would grow incrementally over the first two years to a staff of around 100 professionals.

[36] This information on the compromise settlements is derived from U.S., Delegation to the Department of State, "Cable—Subject: IFAD Fourth Prep. Com. Meeting" (Rome, 11-12 July 1978); interviews with a few USDA and AID officials in late July 1977; *UN Chronicle,* August-September 1977, pp. 39, 66.

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common system. Fifth, the United States argued for an October meeting of IFAD's Governing Council, but West Germany, and other OECD members governed by parliamentary institutions, favored a December meeting so that their final ratifications could be approved. (If a nation had not formally ratified the Articles of Agreement it could not participate in the elections and other decision making that would necessarily take place at the first session of the Governing Council.) On this issue the U.S. position did not prevail, and the Governing Council's first session was held in Rome on 13 December 1977; its Executive Board then met on December 14 and 15.

Thus the formative negotiations for IFAD extended over a three-year period—essentially from November 1974 to December 1977. The negotiations had been stalemated principally because of an OECD-OPEC confrontation over funding. Neither the OPEC (especially the capital surplus oil exporters, including Iran) nor the OECD member states could back off from their basic commitment—that is, there must be an IFAD. However, neither could doubt the seriousness of the aphorism: "OPEC imperialism is not preferable to older varieties."[37] What seemed to be crucial, however, was the general world food environment: the predictions of the new-Malthusians had not been born out, at least not yet. The world food production trend line again reasserted itself. Temporarily, at least, the whole food crisis had passed; even more significantly, the world energy crisis had abated temporarily. World diplomacy had to adjust to the new set of power relationships, but there was at least time for the parry and thrust of negotiations, but within and between the OECD and OPEC member states. The tough, bottommost problem had become not whether there should be an IFAD, but how much should be contributed to the fund, by whom, and under whose control.

The Inauguration of IFAD

The inaugural meetings of IFAD's Governing Council and Executive Board were carried out with efficiency and dispatch. IFAD's initial membership was 91; by the time the Governing Council's first meeting was held, the number had increased to 114. Instruments of ratification totaling over $900 million had been deposited to IFAD's account; the necessary ratio of Category I(6), II(6), and III(24) members had been ratified. IFAD was ready to go to work.

At the meeting of the Governing Council, the elections proceeded as expected. Al-Sudeary was elected president; J.J.M. Nyagah, agricultural minister of Kenya, was elected as chairman of the Governing Council. After a proposal to have two vice-presidents was shunted, Al-Sudeary appointed Philip Birnbaum (United States) as vice-president and three assistant presidents—Sartaj Aziz (Pakistan), Abbas Ordoobadi (Iran), and Moise Mensah (Benin). In political terms, these appointments constituted a nicely balanced "ticket."[38]

[37] Weiss and Jordan, *World Food Conference,* p. 61.

[38] United Nations, IFAD, Governing Council, *First Session Report, Rome, 13-16 December 1977* (IFAD, G/Ci), 30 March 1978, pp. 40-44.

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The nineteen-member Executive Board would be composed of the same nations that had constituted the Preparatory Commission.

Likewise, the two-day meeting of the Executive Board took place without any significant altercations. Some procedural rules were amended; the board did mandate President Al-Sudeary "to initiate discussions with the Chairman of the International Civil Service Commission to secure a certain degree of flexibility within the Common System, required by a new financing institution with a small staff."[39] Concerning lending policies and criteria, it was decided to recommend "provisional approval" to the Governing Council of the proposal that had been drafted by the Preparatory Commission in order "to enable the Fund to begin its operation." For the same reason, the board decided to "approve provisionally the General Conditions Applicable to Loan and Guarantee Agreements."[40]

The second meeting of IFAD's Executive Board was held in Rome, 10–13 April 1978.[41] Three loan proposals were considered: a $12 million loan to Sri Lanka, in cooperation with the Asian Development Bank; a $10 million loan to Guyana, through the Inter-American Development Bank; and a $10–12 million loan to Tanzania, through the International Development Association. Two loans, of $12 million each for Sri Lanka and Tanzania, were approved—a fifty-year amortization, with a ten-year grace period, at a 1 percent service charge each year. A decision concerning the loan to Guyana was postponed until the October meeting. It was decided that only developing nations with a per capita income of less than $300 (U.S.) would be eligible for the "softest" (that is, most concessional, or subsidized) loans, and that two-thirds of IFAD's funds would be used for concessional loans in this category—that is, the poverty nations. (Guyana's per capita income was $510 [U.S.] in 1975.)

Apparently there was some criticism of Al-Sudeary's initial efforts to administer the fund; in particular, some seventeen developing nations had submitted requests to IFAD for the setting up of "project identification and preparation missions," and these requests had not been handled efficiently or expeditiously—or so it was claimed. In any respect, the July meeting was postponed until October 24–27, at which time several other project proposals were scheduled for the board's consideration and decision.[42]

Portends of the Future

The third question posed in the introduction of this article is concerned with the future of IFAD, relative to the likelihood that it will be able to achieve the an-

[39] United Nations, IFAD, Executive Board, *Minutes of the First Session,* 14–15 December 1977 (draft). See also, United Nations, Centre for Economic and Social Information, *New Agricultural Fund Approves First Concessional Loans to Sri Lanka and United Republic of Tanzania* (OPI/CESI Note Food/35), 17 April 1978.

[40] IFAD Executive Board, *Minutes of the First Session,* p. 8.

[41] United Nations, IFAD, Executive Board, *Minutes of the Second Session* (EB/2), 30 May 1978.

[42] The "Provisional Agenda" for the third session (24–27 October 1978) of the Executive Board listed four projects for consideration: Guyana (for the second time), Haiti, Ecuador, and Thailand.

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nounced goals and objectives. Predictably, there are serious difficulties ahead, and the accomplishments of IFAD will be modest indeed, as measured by its ability to affect significantly the lives and fortunes of the "poorest of the poor" in the very low-income nations.

The central issue in terms of implementation and oversight will be development assistance—how, to whom, in what amounts, and under what conditions. But those subissues will be strongly affected by the general political, economic, and military conditions in the world, and notably so as they are perceived by the OECD and OPEC nations. In reality, IFAD, as an institution, could be viewed as a kind of dependent variable. Its future will be governed by political calculations, but events over which the so-called international food policy regime may have only marginal influence. At the moment, the combined effect of IFAD's tripartite, asymmetrical structure of power and the world food situation as perceived by the major food-producing nations and the wealthy oil-rich nations leads to conservative decisions in matters such as IFAD's replenishment and loan policies.

The Conflict of Ideologies

The ideological debate over IFAD has become rather muted. To state the issue rather cynically, why should one develop first-class rhetoric to defend or denounce an infant, underfinanced institution? However, the development assistance controversy, in general, has always had strongly ideological backdrops, and IFAD is really a specialized type of foreign-aid operation, a not insignificant institutional arrangement born out of the North-South and the OECD-OPEC confrontations.

Predictably there is no consensus among the ideologists of the North (more specifically, the OECD nations) as to either the causes or the cures for this rich nation-poor nation condition. The radical Left views IFAD as just one more form of capitalistic imperialism. In the reasoning of Teresa Hayter, an institution such as IFAD would simply be "an attempt to preserve the capitalist system in the Third World."[43] Susan George would be in complete agreement.[44] The ideologies of the democratic socialists range from well-meaning, rather simplistic to more belligerent and demanding interpretations of the "New International Economic Order."[45]

There is a considerable range, too, among the liberal ideologists. Charles Kindleberger expresses concisely the optimist's position: "Aid is not a purchase—whether of foreign policy support or of an implicit promise not to create

[43] Teresa Hayter, *Aid as Imperialism* (Harmondsworth, England: Penguin Books, 1971), p. 9.

[44] Susan George, *How the Other Half Dies: The Real Reason for World Hunger* (Montclair, N.J.: Allenhold, Osmun and Co., 1977), p. 232.

[45] From Jyoti Shankar Singe, *A New International Economic Order: Toward a Fair Redistribution of the World's Resources* (New York: Praeger, 1977), to, for example, Guy F. Erb and Valeriana Kalleb, eds., *Beyond Dependency: The Developing World Speaks Out* (Washington, D.C.: Overseas Development Council, 1975).

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a disturbance. In the short turn, it is a moral obligation of rich countries in a world community. In the long run, aid leads to economic development abroad which leads—after various ups and downs—to world stability, which is in this country's long-run interest."[46] The liberal pessimist's doubts are stated well by Robert Packenham: "A large and growing number of studies . . . has argued that bilateral and even multilateral aid programs are hindrances to economic development."[47]

Nor, of course, does this cover the wide range of ideologies that might be plotted on a Left-Right continuum. Conservative thought (that is, the modern exponents of Adam Smith) would place much more emphasis on the principle of comparative advantage in international trade rather than on economic growth within the poverty nations through bootstrap strategies that would generate an effective trickle-down outcome. The radical Right espouses a major variant of the doomsday argument. Ironically, perhaps, the other major variant is the ideological environmentalists who predict global catastrophe if the West does not both redistribute and move steadily toward a no-growth economy internally. Among the code words of the radical Right are such phrases as "lifeboat ethics" and a "triage" strategy; they are the present-day social Darwinists.

This is not the place even to try to sketch out the basic ideological premises and programs of the leading South ideology—that is, the New International Economic Order (NIEO), but the ideological shorthand of Mahdi Elmandjra is helpful in understanding the North-South controversy as it relates more specifically to IFAD. In his words:

> All systems—physical, biological and social— have only three ways to survive when confronted with counter-currents: adaptation, redistribution or transformation. In the 60's the effort of adaptation by the North was not sufficient; now, since the mid-seventies, adaptation will no longer suffice to sustain the present international system and only the minimum amount of redistribution which underlies the NIEO can create a true dialogue. Should this fail, the last choice will be in due course a radical transformation (not just structural changes) of the system. The question is only one of time.[48]

In essence, IFAD is the institutionalization of an adaptation strategy. Whether IFAD would be at least modestly successful in achieving its stated goals if the OECD (North) nations accepted ideologically, and implemented policywise, a redistribution strategy is, of course, a seminal question. However, the OECD nations have not done so and likely will not do so unless there is a pronounced change in both operational values and power relationships. Neither seems likely to occur in the near future. Thus the ideological conflict will continue.

[46] Charles Kindleberger, *America in the World Economy,* Headline Series 237 (New York: Foreign Policy Association, 1977), p. 62.

[47] Robert Packenham, *Liberal America and the Third World* (Princeton, N.J.: Princeton University Press, 1972), p. 180.

[48] Mahdi Elmandjra, "Power, Value and Political Reality," *International Development Review* (1978):14.

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Lending Policies

Decisions on lending policies are also potentially controversial. Indeed, there are still major unresolved issues that the Executive Board has thus far been able to conciliate only through "provisional approval" of the Preparatory Commission's report.[49]

There are at least four principal problems that will likely arise in this issue area. First, the special status of "the poorest of the poor" nations will be contested by lower-middle-income nations with a substantial number of rural poor, and it will be very difficult to maintain a tight discipline within the Group of 77 on this issue. Second, IFAD's policies require that the funds shall be allocated "with due regard to a fair geographic distribution."[50] Note that the first loan proposals were for Guyana, Tanzania, and Sri Lanka. However, if the fund becomes a pork-barrel operation, with each geographic area receiving its proportionate share, then IFAD will surely fail to achieve its main objectives. Third, grants will be made, but not for more than 12 percent of the total allocations per year (which are anticipated to total around $300 million per year for the next three years). Again, the "poorest of the poor" must plan and do some basic research—or have it contracted for—in order to proceed with an agricultural development program. But the problem remains—grants to whom, how much, under what conditions?

The lending policies of IFAD constitute political, economic, and social decisions of a first order of magnitude—who is eligible; what should be done; who will benefit and who will lose? Viewed from the perspective of less than one year's operations, the OPEC and OECD members of the Executive Board seem to have agreed on a rather hard-line strategy—that is, a rather precise and rigorous set of criteria has to be met by the recipient nations. Moreover, the project proposals thus far are basically a buying-in operation in that IDA or one of the regional banks would almost surely have made the loans themselves, but somewhat lower in amount. In terms of decision-making models, at present IFAD is sort of negatively oligarchical; the major powers (OECD and OPEC) are not especially interested in what happens as long as the loan-making criteria do not result in many loans. Such seems to be the U.S. strategy, in any respect: few loans, less pressure for additional funds. But it is too early to ascertain trend lines; by the end of IFAD's second year an observer should be able to judge whether the pluralistic-bargaining or the oligarchic model has become dominant in the decision-making process.*

[49] United Nations, IFAD, *Report of the Preparatory Commission to the Governing Council on Lending Policies and Criteria* (GC1/L.9), 28 October 1977.

[50] United Nations, *Agreement Establishing the International Fund for Agricultural Development*, Article 7, Section 1, p. 15.

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Lasers, Charged-Particle Beams, and the Strategic Future

DONALD M. SNOW

As debate raged over the proposed SALT II agreement and the need for augmenting American strategic forces with sophisticated new weapons like the Missile Experimental (MX),[1] concerted efforts were underway to produce exotic and even more revolutionary strategic weapons. Given the generic title "directed energy transfer" (DET) weapons by the new office of the same name within the U.S. Department of Defense, these research efforts center on high-energy laser (HEL) and charged-particle-beam weapons (PBW) technologies, the status of which is described in the Defense Department's posture statement for FY 1980:

> The principal efforts in this area involve the High Energy Laser and to a lesser degree the Particle Beam Technology Programs. In FY 1980, we will concentrate our efforts on identifying the scientific and engineering uncertainties associated with this technology, the means of their resolution, and on determining the feasibility and utility of directed energy weapons.[2]

Despite the tentative nature of this statement, active developmental programs have been reported for each major military service: the navy's Chair Heritage

[1] A summary of the issues and the author's views are in Donald M. Snow, "ICBM Vulnerability, Mobility, and Arms Control," *Air University Review* (forthcoming).

[2] Harold Brown, *Department of Defense Annual Report, Fiscal Year 1980* (Washington, D.C.: Government Printing Office, 1979), p. 255.

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and the army's Sipapu programs on particle-beam technology and the air force's work in lasers.[3]

These emerging programs have been the subject of tentative and heavily censored arms-control impact statements for FY 1979 and 1980 and have begun to generate some interest in the public literature.[4] The available information stresses not only that all these efforts are in the fairly early stages of development (the first experimental demonstration reported is for the Chair Heritage project at Lawrence Livermore Laboratory in "late 1981")[5] but also that none of the projects is likely to reach initial operating capability (IOC) before the late 1980s or early 1990s, should research and development efforts prove successful. Although the success of operationalizing weapons applications of either laser or particle beams is not assured and is not immediate in any event, it is appropriate to begin examining the effects these weapons could have on future military strategy. This need arises because both types of systems are radically different technologically from existing strategic nuclear weapons and present a whole range of novel strategic possibilities and problems.

Because both laser and particle-beam weapons are literally still on the drawing boards and in the component-testing stage, suggestions about their uses must necessarily be conjectural and imprecise. Two aspects of these technologies stand out, however, and have major implications for strategic defense: both have major potential defensive applications against ballistic missiles and other offensive projectile weapons; and as offensive weapons both offer the possibility of a highly discrete attack without much of the extensive collateral damage associated with the deployment of strategic nuclear weapons. These characteristics have major implications for strategy, doctrine, and arms-control considerations.

The major impacts of laser and particle-beam weapons can be sketched briefly pending more detailed examination. At the level of strategic doctrine, two effects stand out. First, the keystone of strategic deterrence (at least as formulated and understood in the United States) has been the certain ability to penetrate enemy defenses with weapons that survive an initial attack and inflict a level of destruction that is unacceptable to a potential attacker. To the extent lasers and particle beams produce effective ballistic-missiles defense (BMD), they undercut the penetrability basic to the deterrent threat. Second, the notion of extremely accurate weapons that produce essentially no collateral damage intensifies the debate about counterforce weaponry, damage limitation, and the likelihood

[3] Clarence A. Robinson, Jr., "Air Force Emphasizes Laser Weapons," *Aviation Week and Space Technology,* 30 October 1978, p. 51.

[4] *Fiscal Year 1979 Arms Control Impact Statements: Statements Submitted to the Congress by the President Pursuant to Article 36 of the Arms Control and Disarmament Act* (Washington, D. C.: Government Printing Office, 1978), and *Fiscal Year 1980 Arms Control Impact Statements: Statements Submitted to the Congress by the President Pursuant to Article 36 of the Arms Control and Disarmament Act* (Washington, D.C.: Government Printing Office, 1979).

[5] Robinson, "Air Force Emphasizes Laser Weapons."

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that such weapons lower the firebreak (the point at which nuclear weapons are used) by making the outcomes of strategic exchange less devastating.

There are clear arms-control implications as well. On the one hand, the defensive potential of these weapons runs directly counter to prohibitions on defensive measures contained in the ABM (Anti-Ballistic Missile) Treaty of 1972 and reinforced in the SALT II accords. Should these weapons become available, there will be a clear choice between deployment and current ABM conventions. On the other hand, the most promising BMD environment for basing laser weapons appears to be outer space, both for antisatellite (ASAT) warfare and boost-phase intercontinental ballistic missile (ICBM) interception and destruction. This prospect runs counter to the provisions contained in agreements on the military uses of space reaffirmed in SALT II which prohibit placing weapons of mass destruction in outer space. Once again, something will have to give should these possibilities materialize.

The Dynamics of Directed Energy Transfer Programs

That the next generation of strategic weaponry would be in an area other than ballistic missilery is, in a sense, unsurprising: through upgrading programs over the past decade that have been described as "nothing less than dramatic," most of the possible improvements in projectile warfare have been made.[6] Warheads cannot be made much more compact; improvements in guidance systems promise accuracy beyond which further increases have little effect (the circular error probability reduction to the ability to destroy hardened targets like missile silos); and propulsion techniques have missiles flying at near maximum velocity. Incremental improvements are still possible in areas such as command and control (for example, satellite control) and evasion techniques, but clearly the most significant and dramatic innovations in ballistic missilery have been made. At the same time, military applications of DET technologies predicted by science-fiction writers—at least as far back as the Buck Rogers's "photon torpedoes"—have emerged as theoretical possibilities.

Beyond this general observation, the question remains why a Soviet-American competition in a technological area with uncertain strategic outcomes has arisen. Lacking direct access to the motivations of those responsible for the programs, explanations must necessarily be speculative. Three interrelated influences appear to have been involved: the general nature of the technological process in the development of strategic weapons; the knowledge of Soviet engagement in similar programs; and the difficulty of monitoring arms-control limitations on developing these weapons.

The general process by which weapons pass through the research, development, testing and evaluation (R, D, T & E) process has been variously described as "technological determinism," "technological drift," and "technological

[6] Harry G. Gelber, "SALT and the Strategic Future," *Orbis* 11 (Summer 1978): 289.

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creep."[7] Each of these concepts describes an incremental process of discovery that often emerges from "scientific curiosity, serendipity, or energetic engineering"[8] and involves "minor improvements in systems and components, to cope with minor snags which have appeared during development . . . but whose cumulative impact can amount to or make possible substantial systems changes."[9]

What this says is that technological processes are inherently difficult to control because they are scientific in nature: it is often only after the discovery that one knows exactly what has been discovered. While the process from discovery to implementation is not inexorable, there is a natural tendency to follow up on and investigate the implications of any new discovery, often adding new possibilities in the process. The end result has often been to create weapons possibilities that develop increasing momentum, which has led one commentator to observe that there is "a tendency for technology to drive both strategy and doctrine."[10] This possibility is apparent in DET development.

A contributory factor that makes directed energy transfer technology an attractive area is the fact that the Soviets are pursuing the same kind of program and that DET weapons may have applicability against other emerging Soviet capabilities. What emerges is a classic action-reaction phenomenon as described over a decade ago by Robert S. McNamara.

> The Soviet Union and the United States mutually influence one another's strategic plans. Whatever their intentions or our intentions, actions—or even realistically potential actions—on either side relating to the build-up of nuclear forces necessarily trigger reactions on the other side. It is precisely this action-reaction phenomenon that fuels an arms race.[11]

That the action-reaction phenomenon is at least partially motivating in developmental efforts in both DET research areas is acknowledged. Regarding lasers, the FY 1979 *Arms Control Impact Statement* says, "There is little doubt that laser weapon development is considered to be an area of military technology having both high priority and prestige value in both the Soviet Union and the United States."[12] In describing U.S. programs, Robinson refers directly to

[7] These terms have been suggested, respectively, by Ronald L. Tammen, *MIRV and the Arms Race: An Interpretation of Defense Strategy* (New York: Praeger Publishers Inc., 1973); Harry G. Gelber, "Technological Innovation and Arms Control," in *Nuclear Strategy and National Security: Points of View,* eds. Robert J. Pranger and Robert P. Labrie (Washington D.C.: American Enterprise Institute for Public Policy Research, 1977), pp. 478–510 (originally appeared in *World Politics* 26 [July 1974] :509–41); and Deborah Shapley, "Technology Creep and the Arms Race: Two Future Arms Control Problems," *Science* 202, 20 October 1978, pp. 289–92.

[8] Tammen, *MIRV and the Arms Race,* p. 93.

[9] Gelber, "Technological Innovation and Arms Control," p. 480.

[10] Richard G. Head, "Technology and the Military Balance," *Foreign Affairs* 56 (April 1978): 550.

[11] Robert S. McNamara, *The Essence of Security: Reflections in Office* (New York: Harper & Row, 1968), p. 58.

[12] *1979 Arms Control Impact Statements,* p. 227.

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Soviet counterparts in explaining the U.S. particle-beam program: "There is general agreement that the Russians are pursuing the technology and have developed many of the components required for particle-beam weapons."[13] The FY 1980 *Department of Defense Annual Report* also alludes to the potential use of DET weapons against Soviet threats to U.S. satellite capabilities: "Our space defense programs take several forms to achieve a balance of operational capabilities in the 1980s. They range from measures to improve satellite tracking and satellite ground control survivability, to ASAT development programs against the Soviet satellite systems that could threaten our forces."[14] In this latter category, the use of satellite-based lasers against Soviet "killer" satellites that threaten American communications satellites is frequently mentioned.

Soviet-American DET competition is intensified because substantial parts of the developmental and conceivably even the testing process can be carried out without being detected. The danger of a technological breakthrough occurring is substantial if one side is working in the area and the other is not. DET programs thus become an extension of the technological surprise problem of strategic systems generally, with important arms-control implications, as described by Perry: "Assured detection will actually become a precondition of future arms agreements once rapid, major shifts in the strategic balance become conceivable, either through the quick deployment of weapons that have not been adequately identified during their development, or through the rapid exploitation of some major breakthrough in the technology of strategic weapons."[15] Perfection of laser or particle-beam missile defense would certainly qualify as a "major shift" in the strategic balance, particularly if possessed unilaterally, and would add fuel to the need for guaranteeing mutual possession, because "with the exception of the final stages of most weapons-acquisition programmes . . . few of the essentials of developing, producing and deploying a new strategic weapon are difficult to conceal."[16] Moreover, Perry maintains, the class of weapons of which DET weapons are a part is amenable to concealment: " 'exotic' devices with application to strategic warfare could be extensively tested without attracting attention."[17] With these potential stakes, simple prudence provides considerable momentum for continued development.

Laser and Particle-Beam Weapons

The two forms of directed energy transfer operate on similar but distinct princi-

[13] Clarence A. Robinson, Jr., "U. S. Pushes Development of Beam Weapons," *Aviation Week and Space Technology,* 2 October 1978, p. 19.

[14] Brown, *Department of Defense Annual Report, FY 1980,* p. 129.

[15] Robert Perry, "Verifying SALT in the 1980s," in *The Future of Arms Control: Part I, Beyond SALT II,* ed. Christopher Bertram, Adelphi Papers no. 141 (London: International Institute for Strategic Studies, Spring 1978), p. 18.

[16] Ibid.

[17] Robert Perry, *The Faces of Verification: Strategic Arms Control for the 1980s,* The Rand Paper Series no. P-5986 (Santa Monica, Calif.: Rand Corporation, August 1977), p. 18.

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ples, involve different chemical processes, and present somewhat variable opportunities and limitations for military purposes. Both laser and particle-beam weapons project a concentrated beam of high energy, either in the form of a continuous wave or a pulsed emission, that either destroys the target by burning a hole in it or disrupts the path of the target by knocking it off course because of the great atmospheric pressure the beam creates. The basic difference between the two weapons is that a laser produces its effects through a light wave, while a particle beam projects highly accelerated neutral atomic and subatomic particles that emit intensive radiation.

The two technologies are being investigated independently under contracts commissioned by the various armed services. While their application appears most promising in a defensive mode (notably in ballistic-missile defense), they appear to work best in different environments: whereas lasers must burn holes in the cloud cover before they can attack a target and thus appear most useful employed outside the atmosphere, particle-beam weapons maintain their focused energy best in the atmosphere.

Lasers

The word laser is an acronym for the physical process by which it operates: light amplification by stimulated emission of radiation. In simpler terms, a laser accumulates energy, concentrates it into an extremely powerful beam of light, and aims it at an object. Thus, the laser creates extreme heat on the object by transferring energy from the source of the laser beam to the surface of the object, thereby melting a hole in the object at the point of exposure. Because the beam can be very small in diameter, lasers are useful for performing precise tasks such as tool-and-die production and diamond cutting. Because they emit large amounts of energy, pulsed lasers act to trigger and to sustain the fusion of deuterium (heavy hydrogen) in current research and development on fusion as an alternative energy source. Both properties of lasers give them potential military application.

There are basically two ways in which lasers are propagated: in continuous waves using deuterium fluoride as the radiation base; and in pulsed waves using electrically charged carbon dioxide as the basis of the reaction. Klass explains how the effect of the laser has worked in test situations: "If a brief pulse of intense laser energy strikes an aluminum target, a plasma of ionized air or molten metal forms, which in turn emits energy . . . that is more readily absorbed by aluminum."[18] Although the air force has been reported as favoring the chemical continuous wave means of propagation,[19] some factors favor pulsed beams. On the one hand, tests indicate that 30 to 40 percent of the energy generated by a pulsed beam is absorbed by the target compared with only 3 percent for continu-

[18] Philip J. Klass, "Pulsed Laser Eyed for Extended Range," *Aviation Week and Space Technology*, 28 August 1978, p. 56.

[19] See, for example, Robinson, "Air Force Emphasizes Laser Weapons," p. 52.

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ous wave. On the other hand, pulsed-beam systems seem to have better prospects for missions at long range, such as interception of missiles in their boost phase in deep space. Such a system could work either by burning a hole in the missile, thereby activating self-destructive processes, or by knocking the missile off course or disrupting its guidance systems. (The United States has measured impulses producing 70 times normal atmospheric pressure, and the Soviets report they have induced an impulse 200 times normal atmospheric pressure.)[20]

Research efforts on the BMD application of lasers are underway. Robinson reports that, as part of a "layered" ABM approach which combines laser and conventional thermonuclear interceptors, "optical technology plans include . . . target kill capability using laser concepts via theoretical investigations and proof-of-principle measurements."[21] Klass cites two currently funded laser ABM projects: a $669,000 contract with Lockheed Missile and Space Company for a "ballistic missile defense laser vulnerability and effects program"; and a $150,000 contract with General Electric for a "study of laser effects on ballistic missile reentry vehicle heat-shielding materials."[22] Although still in the developmental stages, "the program could possibly produce a working weapon by 1982."[23]

Lasers are attractive ballistic-missile interceptors because they travel at the speed of light. As Robinson puts it: "High energy lasers . . . offer a fundamentally different way of performing the function of interception and have overwhelming advantages over conventional technology. The velocity of light is 50,000 times faster than rocket interception can achieve."[24] The 1979 *Arms Control Impact Statement* summarizes the advantages this speed produces.

—nearly instantaneous transmission of energy to the target;

—the ability to immediately sense the aiming error and correct it without a need to lead the target;

—minimal "shot-to-shot" dispersion error;

—high firepower potential per weapons; and

—the ability to switch rapidly from target to target.[25]

All of these advantages are directly attributable to the speed at which the beam travels, allowing direct targeting on a rising missile rather than plotting the trajectory and then aiming ahead of the target.

Maximum use of the technology requires basing lasers on satellites in space. The basic reason for this is that although a laser beam, like any other form of

[20] Klass, "Pulsed Laser Eyed for Extended Range."

[21] Clarence A. Robinson, Jr., "Quickened Pace Sought in Missile Defense," *Aviation Week and Space Technology,* 22 May 1978, p. 19.

[22] Klass, "Pulsed Laser Eyed for Extended Range."

[23] "U.S. Uses Laser to Destroy High Speed Missile in Test," *Baltimore Sun,* 23 August 1978.

[24] Clarence A. Robinson, Jr., "Army Pushes New Weapons Effort," *Aviation Week and Space Technology,* 16 October 1978, p. 48.

[25] *1979 Arms Control Impact Statements,* p. 224.

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light, is subject to diffusion and refraction in the atmosphere, its direction and intensity is not degraded in the vacuum of space. This fact leads Smernoff to conclude, along with others, that "space is the best arena to launch potent 'photon torpedoes' toward strategic missiles in the vulnerable boost-phase."[26] A missile is particularly vulnerable in the boost phase because during its ascent it can neither achieve maximum speed nor alter its fixed trajectory to permit effective evasive action.

These applications anticipate advances in satellite technology in the next decade that will provide basing platforms for laser weapons and that will help identify launched missiles. Robinson contends, for instance, that "with the space shuttle transportation system, it will be feasible to orbit particle beam and high energy laser weapons in space as effective defenses against even massive ballistic missile exchanges, according to an industry strategic dynamics study completed for the Army."[27] Shapley states that "early warning satellites could be linked to space-based laser or beam weapons," and Scoville adds in a different context that "satellites can also be equipped with radio listening devices which record signals from electronic equipment on the ground, such as ABM radars."[28]

This dependence on satellites suggests the importance of DET-based and other forms of ASAT as countermeasures to laser ABMs. The possible uses "include bomber self-defense, air superiority, satellite destruction, and antisubmarine launched ballistic missile missions."[29] "Some experts believe," Robinson notes, "that an orbiting laser weapon could destroy ICBMs in the boost phase of flight, render useless other satellites and with enough power, destroy targets within the atmosphere."[30]

Charged-Particle Beams

Although the general purpose of both forms of DET weapons is the same, particle beams use as a source of energy intensely radioactive atomic and subatomic particles rather than a light stream. The 1979 *Arms Control Impact Statement* explains the basic principle involved.

> The term particle beam weapon (PBW) refers to a range of concepts for devices using directed beams of charged or neutral particles at high energies to inflict damage. The particles in question can be electrons, protons, heavy ions, or neutrons.[31]

[26] Barry J. Smernoff, "Strategic and Arms Control Implications of Laser Weapons: A Preliminary Assessment," *Air University Review* 29 (January–February 1978): 45.

[27] Robinson, "Army Pushes New Weapons Effort," p. 43.

[28] Shapley, "Technology Creep and the Arms Race: Two Future Arms Control Problems," p. 291; and Herbert Scoville, Jr., "SALT Verification and Iran," *Arms Control Today* 9 (February–March 1979): 2.

[29] Smernoff, "Strategic and Arms Control Implications of Laser Weapons," p. 41.

[30] Robinson, "Air Force Emphasizes Laser Weapons," p. 55.

[31] *1979 Arms Control Impact Statements,* p. 229.

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Parmentola and Tsipis explain the way in which particle-beam weapons work: "Instead of transporting deadly energy to a target in the form of an explosive warhead carried in a ponderous vehicle such as a missile or an artillery shell, a particle-beam weapon would increase the kinetic energy of a large number of individual atomic or subatomic particles and then direct them collectively against a target."[32]

Developmental efforts on particle-beam weapons are well advanced in some areas of application, and the weapons have received lavish praise. Robinson has reported that testing of the navy's Chair Heritage program using particle beams against cruise missiles is "scheduled for late 1981 or early 1982."[33] In an editorial, Hotz maintains that, "if successfully deployed, beam weapons can end the long reign of nuclear terror introduced by the ballistic missile and its thermonuclear warhead."[34]

Despite progress and claims, there are major short-term impediments to particle-beam technology, particularly as a spaced-based BMD. Two difficulties are particularly prominent. The first problem involves the device that propagates the charged-particle beam, the linear accelerator. The kind of accelerator necessary for a beam weapon "would consist of three basic parts: a source of particles, a device for injecting the particles into the accelerator and a series of accelerating sections."[35] The difficulty is that current prototypes weigh several tons, which is far too heavy for practical satellite utilization.[36] This may, however, be a short-run problem. Parmentola and Tsipis, in their generally negative assessment of the near-term likelihood of beam weaponry, note that "there seems to be no compelling reason to conclude that accelerator technology cannot, at some time in the future, make it possible to build accelerators suitable for particle-beam weapons."[37]

The second major problem arises from beam degradation through particle dispersion over the long distances needed for ballistic-missile interception in space. The problem has two basic aspects. On the one hand, as particle beams travel through space (the problem is not so great in the atmosphere), they tend to spread, thereby forming a gradually larger but less intense beam. On the other hand, in the vacuum of space some particles break away from the beam, further degrading the beam's energy.[38] Neither the weight nor degradation problems, however, affect the Chair Heritage tests: naval vessels can accom-

[32] John Parmentola and Kosta Tsipis, "Particle-Beam Weapons," *Scientific American* 240 (April 1979): 54.

[33] Clarence A. Robinson, Jr., "Key Beam Weapons Tests Slated," *Aviation Week and Space Technology,* 9 October 1978, p. 42.

[34] Robert Hotz, "Editorial: The Beam Weapons Race," *Aviation Week and Space Technology,* 2 October 1978, p. 9.

[35] Parmentola and Tsipis, "Particle-Beam Weapons," p. 54.

[36] This problem is discussed by Clarence A. Robinson, Jr., "Power Generation Key to Beam Weapons Development," *Aviation Week and Space Technology,* 6 November 1978, pp. 50–57. It is also raised as a barrier by Parmentola and Tsipis, "Particle-Beam Weapons."

[37] Parmentola and Tsipis, "Particle-Beam Weapons," p. 63.

[38] These problems are extensively discussed in ibid.

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modate the heavy accelerators, and the interception of cruise missiles is expected to occur within a few kilometers of the beam source, before degradation is a major problem. Both problems will have to be solved before particle-beam space-based BMD becomes feasible.

Missions commonly assigned to particle-beam weapons are similar to those conceived for lasers. The 1979 *Arms Control Impact Statement* lists three potential roles: ballistic-missile defense; ship-based cruise missile interception; and air-to-air weaponry. (A fourth mission was deleted from the public record.)[39] Parmentola and Tsipis add the possibility of "a land-based ABM system deployed to defend missile silos against reentry vehicles carrying nuclear weapons."[40] As Garwin points out, however, "most discussions of a charged-particle-beam ABM weapon concern boost phase intercept."[41]

In addition to the problems already discussed regarding ABM applications, two others are cited that could also affect lasers. One is the degree of accuracy needed to destroy a target: unlike nuclear explosive ABMs that spread destruction over a radius of several kilometers (leaving some margin for error), particle beams must hit the target to harm it.[42] This leads to a second problem, which is the need for extremely accurate radar to track incoming missiles. While satellite advances may solve the radar problem in the long run, the radar-tracking problem that has dogged earlier ABM projects has still not been solved. "It is therefore highly questionable," conclude Parmentola and Tsipis, "that such a system could function at all, let alone be operationally effective."[43]

Effects on Deterrence Conceptions

The prospect that DET weapons will be successfully developed presents more than a novel addition to strategic inventories. Such weapons "could revolutionize existing concepts of defense and military strategy," according to one account that may not be exaggerated.[44] To understand the impact DET weapons could have requires an examination of the nature of American concepts of deterrence and the threats underlying them, of the impact of effective defense systems on those concepts, and of the effects of extremely accurate offensive weapons that do not create extensive collateral damage.

The most basic concern of American nuclear doctrine, since the advent of thermonuclear weapons and especially since the introduction of ballistic missilery, has been the potential devastation of a general nuclear war. This concern

[39] *1979 Arms Control Impact Statements,* p. 224.

[40] Parmentola and Tsipis, "Particle-Beam Weapons," p. 57.

[41] Richard L. Garwin, "Charged-Particle Beam Weapons?" *Bulletin of the Atomic Scientists* 34 (October 1978): 25.

[42] This problem is discussed in ibid., p. 25; Parmentola and Tsipis, "Particle-Beam Weapons," p. 55; and in Clarence A. Robinson, Jr., "Beam Pointing Technology Explored," *Aviation Week and Space Technology,* 6 November 1978, pp. 59–60.

[43] Parmentola and Tsipis, "Particle-Beam Weapons," p. 65.

[44] "U. S. Uses Laser to Destroy High Speed Missile in Test," *Baltimore Sun,* 23 August 1978.

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stems from the assessment that strategic nuclear weapons are indefensible. "Among the changes we have to cope with today," noted Brodie in 1959, "perhaps the most significant militarily is the loss of the defensive function as an inherent capability of our major offensive forces."[45] This assessment has, of course, been the result of a technological situation in which there exist no effective defenses against a nuclear attack.

The inability to defend against a nuclear attack has foreclosed one of the two major bases of deterrent threat: the promise to deny an aggressor attainment of goals, if those goals are to destroy or substantially cripple the American homeland. Lacking the ability to thwart an attack, deterrence threats have necessarily been based in the promise to punish an aggressor for launching a first-strike attack. As Berman and Baker summarize it: "American strategic doctrine seeks deterrence through the threat of punishment. . . . By deterrence through punishment, the U.S. seeks to deter an attacker from launching a first strike by maintaining a capability guaranteeing the attacker that he will suffer unacceptable damage in a retaliatory strike."[46] This threat was made most explicitly in the strategy of mutual assured destruction (MAD) and remains the ultimate threat within the limited options variation on MAD.

The punishment threat has dictated American firing doctrine, force characteristics, and strategic choices. The heart of assured destruction is to create the situation wherein no party can ever calculate gain from a preemptive attack; thus the United States has adopted a retaliatory (second-strike) firing or employment doctrine. For forces credibly to be used in this role requires that they possess two characteristics. First, they must be invulnerable to a preemptive attack so that they will be available for the retaliatory mission. Second, they must have assured and unambiguous penetrability to the target to insure that they can carry out the punishment threat should the need arise.

Having acquired these dual characteristics, American strategic preference has been to stabilize nuclear relationships: "The essence of U.S. 'doctrine,' " Ermath explains, "is to deter war at relatively low levels of arms efforts ('arms race stability') and strategic anxiety ('crisis stability') through the credible threat of catastrophic damage to the enemy should deterrence fail."[47] The preference for arms-race stability arises from the redundancy of additional weapons once adequate stockpiles are available to carry out the assured destruction mission, and an interest in arms control flows naturally from this preference. The need for crisis stability to minimize the likelihood of an inadequately conceptualized nuclear attack is the result of the assessment that a nuclear war would be catastrophic for all concerned.

These formulations were, to some extent, conditioned by the technological

[45] Bernard Brodie, *Strategy in the Missile Age* (Princeton, N.J.: Princeton University Press, 1959), p. 225.

[46] Robert P. Berman and John C. Baker, "*Backfire* Plagues SALT," *Arms Control Today* 9 (February-March 1979): 4.

[47] Fritz W. Ermath, "Contrasts in American and Soviet Thought," *International Security* 3 (Fall 1978): 138–39.

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environment in which they were created, and technological progress has already raised questions about their continuing adequacy. Assured destruction assumes a countervalue (population and recovery capacity) targeting doctrine and was in its early formulation a largely "counter-cities" strategy. In some measure, countervalue targeting was an extension of strategic-bombing concepts from World War II, but it also reflected technological possibility in the 1960s: missile accuracy was inadequate for discrete targeting of things like counterforce targets.

Multiple Independently Targetable Reentry Vehicle (MIRV) technology began the process of undermining these assumptions by simultaneously proliferating warhead inventories beyond the needs of countervalue missions and by introducing new standards of delivery accuracy. The resulting adjustment in doctrine was not to abandon countervalue targeting but rather to become more extensive and selective in targeting, thereby moving toward destruction of an opponent's recovery capability rather than its population concentrations. The success of programs to improve the accuracy of missiles to the point of the ability to target confidently fixed-site, land-based forces has taken technology a step further by introducing the possibility of meaningful counterforce targeting. This has led Head to conclude: "Pressed by the Soviet buildup and the altered military balance on one side and the opportunities presented by the new technologies on the other, there is a critical need to review U.S. strategic and doctrinal concepts."[48]

Laser and particle-beam weapons continue and dramatically accentuate this technological assault on doctrinal bases in several ways. The two most prominent effects that successful development of DET weapons could have would be to introduce meaningful defense against strategic attack into deterrence calculations and to enhance strategic accuracy while virtually eliminating collateral damage.

The introduction of an effective ballistic-missile defense would clearly present the most basic challenge to current notions on deterrence. (The conceptual impact of ABMs, it should be recalled, was one of the major reasons they were opposed in the debate over the Safeguard and Sentinel systems.) Lasers could conceivably be stationed in fixed orbits over ICBM fields (and also the areas in which mobile missiles are concealed) to intercept boost-phase launchers, and laser-armed satellites could patrol the world's oceans to destroy submarine-launched ballistic missiles (SLBMs) and attacking aircraft. A network of sea- and land-based particle-beam weapons could serve as primary interceptors of cruise missiles and as a second line of defense against other systems, possibly augmented by nuclear interceptors in some kind of layered ABM approach.

Were such a system possible, the pressure to deploy it would be considerable. At one level, new weapons systems gain momentum and support as they develop, and the history of abstinence from deploying new weapons is not encouraging. At another level, it would be politically difficult, if not impossible,

[48] Head, "Technology and the Military Balance," p. 562.

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to defend not deploying a system that could protect the population from ravages of nuclear war, if that system were demonstrably effective and not overwhelmingly expensive.

This prospect strikes at the heart of deterrence notions as they have evolved. From the basic premise of "the doctrine of the primacy of offense over defense" has flowed the belief in the absolutely disastrous consequences of nuclear war and the determination that such conflict must be avoided.[49] At the same time the inability to defend against a first strike has meant that deterrent threats have necessarily been grounded in retaliatory punishment.

Effective defense obviates these assumptions. If one can defend against a nuclear attack, one can begin to conceive that its effects are not necessarily catastrophic or intolerable. The assuredness of destruction that has provided the basic deterrent dynamic to the balance of terror is weakened in the process. The strength of the balance of terror system has been that no one nation could possibly calculate anything but self-destruction through a nuclear attack. To the extent successful defense becomes conceivable, the ability to calculate (and thus inherently to miscalculate) the possibility of survival emerges, and the inhibitions to cross the firebreak may be lowered.

In this context, the basis of deterrence threats moves from punishment to denial. Although effective defenses may weaken the threat to inflict massive destruction in retaliation, they also offer the prospect that an attack could be turned back, making it futile. If the defensive capability were held by only one side, the result would clearly be destabilizing. Strong incentives to launch a preemptive attack would exist for the party with the capability. A controlled initial attack would be particularly appealing, leaving the attacked state with the undesirable options of either launching an unsuccessful second strike or capitulating to the demands of the aggressor.

If both parties have an effective defense, the basis of deterrence moves from mutual assured destruction to "mutual assured denial." Implementation of a deterrent strategy based in a denial threat in turn has definite force characteristic implications. As Berman and Baker point out, "The primary mission in a denial strategy is to prevent the enemy's strategic forces from successfully carrying out their missions. Weapons that can rapidly and effectively neutralize or degrade the enemy's primary attack forces are thus of first importance."[50] Implementing this kind of strategy has strong active defense and counterforce implications, and DET weapons potentially contribute to both missions.

The primary mission potentially attributed to laser and particle-beam weapons, either independently or in combination with nuclear devices, is active defense through interception. In addition, there is a potential counterforce (military targets) role. Once adequate power can be generated for these devices, their pinpoint accuracy would give them decided counterforce utility (since ac-

[49] Tammen, *MIRV and the Arms Race,* p. 54.

[50] Berman and Baker, "*Backfire* Plagues SALT," p. 4.

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curacy is the primary requirement of counterforce weaponry). It is conceivable, for instance, that a laser-based satellite that is positioned over an ICBM field to intercept rising missiles could also be used to attack loaded silos, possibly melting elements of the protective coverings so the silos could not be opened.

DET weapons also have potential offensive uses that are congruent with current targeting doctrine. As technology has greatly improved missile accuracy, "the United States . . . has embraced a strategic targeting doctrine which calls for the ability to strike with great precision at a very wide range of targets—with minimum collateral damage."[51] This movement in targeting doctrine has, of course, been developed in the context of thermonuclear explosives which by the very nature of their physical process entail some collateral damage. Destroying a petroleum factory by directing a high-energy laser at its vital parts (rupturing containers and igniting the contents) would involve no collateral damage, since there is no explosion or radiation created (initial radiation would, of course, be part of a particle-beam attack). The only extraneous damage created would be the result of combustion from the petroleum ignited.

Possession of highly selective and discrete weapons potentially would have profound effects on notions about strategic warfare which date back to the development of strategic-bombing doctrine and beyond. As Gelber puts it, referring to missile accuracy, "What we are seeing here is nothing less than a decoupling of two ideas which have been closely conjoined since 1945 and perhaps since 1861: the ideas of strategic warfare and of mass destruction."[52] Offensive DET applications would carry this trend forward by limiting collateral damage far more than explosive devices possibly could while potentially improving accuracy dramatically. At the same time, since deterrence in the nuclear age has been based primarily in the widespread suffering and destruction a strategic exchange would cause, there is a real question about the effects of weapons that would not cause massive collateral damage on inhibitions based in that fear.

Arms-Control Implications

In one sense, DET technology is an extension of the more generalized tension between military technology and efforts to control the spiraling improvements in the quality of arms. As a number of observers have pointed out, this general process is one in which arms-control efforts are progressively at a disadvantage. As Shapley puts it, "In the tortoise-and-hare contest between technology and arms control, technology seems to be outwitting arms control and winning."[53] A leading Soviet scholar agrees, adding dourly that "we are undoubtedly en-

[51] Colin S. Gray, *The Future of Land-Based Missile Forces,* Adelphi Papers no. 140 (London: International Institute for Strategic Studies, Winter 1977), p. 5.

[52] Gelber, "SALT and the Strategic Future," p. 290.

[53] Deborah Shapley, "Technology Creep and the Arms Race: ICBM Problem a Sleeper," *Science* 201, 22 September 1978, p. 1102.

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countering a situation where the progress of military technology continues to outpace the political process of the arms limitation talks."[54]

Beyond whatever general contribution DET weaponry introduces into the problem of managing the proliferation of high-quality weapons in the arms race, the technology presents some specific challenges to arms-control efforts. The most obvious points of conflict would occur between the pressures to deploy DET weapons and the ABM Treaty and the various agreements on the uses of outer space for military purposes. These weapons could also produce pressures to hasten the pace of production of offensive weapons and raise verification difficulties for present and future agreements.

ABM applications of laser or charged-particle-beam weapons would violate article V, section 1 of the 1972 ABM Treaty, which states, "Each Party undertakes not to develop, test or deploy ABM systems or components which are sea-based, air-based, space-based, or mobile-based."[55] DET ballistic-missile defenses are not technically ABMs, but as Newhouse points out, it was clearly the intent of the negotiators to ban these kinds of systems.

> Perhaps more important . . . was the discussion on August 9 of futuristic ABMs. Strictly speaking, these are not ABM's, because the interceptors would not be ballistic missiles but more exotic devices, like lasers, charged particles, or electromagnetic waves. . . . While it would take . . . more than a decade to develop, test, and deploy any of the exotics, heading them off during SALT was priority business; happily, it was largely accomplished.[56]

One can argue about Newhouse's optimistic conclusion about precluding DET-based ballistic-missile defense. The ABM Treaty was, after all, an institutionalization of the assured destruction concept and its base in the punishment deterrent threat, at least as viewed in the United States. To some extent, the decision effectively to eliminate active defenses and to foreclose the option of a denial deterrent represented an assessment of technological prospects at the time. (It has, of course, been argued that the Soviets favored the treaty because their BMD research lagged behind ours.) But that technological situation is radically altered by DET possibilities. Should laser or particle-beam missile defenses become practical, the political pressures to amend or abrogate the ABM Treaty and provide an effective defense against potential nuclear horrors would be considerable.

Since space-basing appears to be a congenial mode (particularly for laser weaponry), there is also a potential conflict with conventions on the uses of

[54] Georgi Arbatov, "The Dangers of a New Cold War," *Bulletin of the Atomic Scientists* 33 (March 1977): 39.

[55] *Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitations of Anti-Ballistic Missile Systems,* reproduced in *International Arms Control: Issues and Agreements,* eds. John H. Barton and Lawrence D. Weiler (Stanford, Calif.: Stanford University Press, 1976), p. 369.

[56] John Newhouse, *Cold Dawn: The Story of SALT* (New York: Holt, Rinehart and Winston, 1973), p. 230.

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outer space for military purposes, including the 1963 and 1967 treaties and the SALT II agreement.[57] None of these agreements specifically prohibits placing DET weapons in space, referring instead to nuclear and other weapons of mass destruction, as noted in article 9, section 1 (c) of SALT II: "Each Party undertakes not to develop, test, or deploy . . . systems for placing into Earth orbit nuclear weapons or any other kind of weapons of mass destruction, including fractional orbital missiles."[58]

There is, of course, a loophole in these provisions involving the definition of what constitutes a weapon of "mass destruction." Especially in a BMD mode, a DET weapon hardly causes mass destruction, since its entire purpose and effect is either to disable or destroy an offensive missile. The point is more arguable with regard to offensive weapons and varies somewhat between lasers and particle beams. If, for example, the employment of a laser beam causes a hydroelectric dam to collapse, the damage could be massively destructive if one measures societal effect. At the same time, the direct weapon effect (boring the hole) is hardly as destructive as a nuclear warhead of even modest yield aimed at the same target.

Particle-beam weapons present the same basic problem in defining mass destruction but raise an additional concern about bans on radiological warfare if aimed at human subjects. As pointed out earlier, the effect of particle beams is to direct intense radiation at the target, and the intensity of that radiation can be regulated to produce whatever effect is desired. If the targets are human, that effect could range from instant incapacitation and death to mild radiation sickness. The 1980 *Arms Control Impact Statement* raises this concern, particularly as argued by the Soviets,[59] and the debate about the inhumane aspects of particle-beam weapons could parallel concerns that are raised about the enhanced-radiation warhead.[60]

Decisions to abrogate existing limitations on DET weapons could stimulate the arms race and could counter the efforts intended to reduce strategic inventories, for at least two reasons. First, DET weapons in space could lead to a new weapons competition in the orbiting of DET-equipped satellites to perform defensive and offensive missions and in antisatellite weaponry as a countermeasure. One of the obvious ways to overcome, for instance, effective laser BMD systems would be to develop satellite killers to knock out the laser platforms. It is not difficult to envision the prospect of space becoming filled

[57] *Treaty Banning Nuclear Weapons Tests in the Atmosphere, in Outer Space and Under Water,* reproduced in *International Arms Agreements,* Barton and Weiler, pp. 355–57 (especially Article I); *Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies,* reproduced in ibid., pp. 346–50, and U. S. Department of State, *SALT II Agreement: Vienna, June 18, 1979,* Selected Documents, no. 12A, Article 9, Section 1 (c), p. 41.

[58] U. S. State Department, *SALT II Agreement,* p. 41.

[59] *1980 Arms Control Impact Statements,* p. 101.

[60] That debate is summarized in Donald M. Snow, "The Strategic Implications of Enhanced Radiation Weapons: A Preliminary Analysis," *Air University Review* (July-August 1979): 2–15.

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with DET-armed satellites, dummy satellites, satellite killers, and satellites designed to destroy the killers.

Second, the other means to overcome defenses is to overwhelm them with huge numbers of offensive weapons. This method may be especially attractive against DET defenses because, as the 1979 *Arms Control Impact Statement* points out, "the technology of HEL countermeasures lags behind that of laser weaponry, tending to place the burden of coping with the laser on quantitative proliferation of offensive weapons."[61] The justification for going ahead with MIRV deployment was, after all, largely based in the capacity to overwhelm projected Soviet ABM capacities at the time. The case for offensive proliferation against DET weapons is similar, but with one important difference. Since laser interceptors are projected for boost-phase interception, proliferation would almost inevitably have to be in the number of launchers. Moreover, there would be considerable pressure to engage in deceptive deployment of launchers in the hopes of being able to "sneak" offensive weapons in their boost phase past the radars and interceptors.

This latter point raises the problem of verification in the arms-control agreements, which is made worse in the case of DET weaponry since it is relatively easy to conceal large portions of the developmental process for these weapons. Referring specifically to particle-beam activity, the 1979 *Arms Control Impact Statement* says, "Verification . . . during the research phase is extremely difficult since the technology overlaps with nonmilitary applications."[62] This atmosphere of uncertainty reinforces continued developmental activity as a hedge against technological surprise.

Conclusions

The potential capabilities presented by emerging DET weapons and their effects on strategic deterrence and arms-control conceptualizations could be nothing less than revolutionary. DET weapons would permit the possibility of strategic defense, an idea shaken by the invention of thermonuclear weapons and abandoned with the development of ballistic missilery, while simultaneously raising the prospect of discrete, counterforce offensive capability not entailing massive destruction of target societies. At the same time, pressures to deploy systems based on DET principles run directly counter to the letter of some existing arms-control agreements and to the spirit of others. The forces that practical DET weapons could unleash present novel challenges to arms-control machinery that is at best only questionably prepared to meet these challenges.

It is, of course, possible to overstate these prospects and to paint imaginative scenarios of a world of death-ray warfare better left to science-fiction films. Much of what has been written about laser and particle-beam prospects rests on "best-case" assumptions about what their capabilities will be, and these projec-

[61] *1979 Arms Control Impact Statements,* p. 227.
[62] Ibid., p. 232.

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tions could simply be incorrect. No one yet knows, for instance, how effective the ballistic-missile defenses using them will be, if they prove to be effective at all. Particularly in the BMD area, degrees of effectiveness are critical: given warhead inventories, a laser system that is 100 percent (or nearly so) effective would revolutionize thinking on deterrent threats; a system that is 50 percent effective would leave punishment threats largely intact.

It is also conceivable that these systems will not be deployed. The ABM movement of the 1960s was abandoned, after all, and it is possible that DET strategic weaponry could suffer a similar fate (tactical battlefield applications present a whole different set of prospects beyond present purposes). The joint American-Soviet decision to halt DET efforts short of deployment could arise from at least two sources. On the one hand, if the weapons do not perform at projected levels (or at all), they might be abandoned on that ground alone. On the other hand, the superpowers could agree that introducing these weapons would be so destructive to notions of deterrence stability and arms-control efforts that they would raise uncertainties outweighing any gains they would produce.

While DET weapons may never become feasible or may not achieve the capabilities projected for them, one cannot assume this to be the case. Both superpowers are actively and intensely investigating the potentials of both laser and particle-beam technologies. While it is difficult to predict when those efforts will reach fruition, there is very little to suggest that at some future point the requisite technologies to produce workable DET weapons will not be mastered. Should that point be reached, important decisions with broad ramifications for the strategic future will have to be faced.

It has been the central contention here that DET weapons could produce capabilities that fundamentally challenge notions that have underpinned understandings about the dynamics of deterrence theories and arms-control processes as they have evolved in the thermonuclear age. Whether DET weapons supplant or augment thermonuclear strategic capabilities, they minimally represent yet another technological shock to notions about deterrence stability that have already been rocked by such innovations as MIRV and missile accuracy improvement programs.

The recent history of anticipating emerging technologies and adjusting doctrine and strategy before these innovations enter strategic inventories has not been especially glorious. Strategic adjustment has had an increasingly *ex post facto* quality about it, as witnessed by the current debate over ICBM vulnerability.

Because DET weapons could change the strategic rules of the game in dramatic ways, it is both appropriate and necessary to begin consideration of their effects and to fashion alternative conceptual bases of both strategic doctrine and the means by which the strategic competition is controlled. This will be a difficult and lengthy process. The sooner this process begins, the more likely it is that we will be ready to meet the challenges when they become realities.

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Eavesdropping on Justice: A Review Essay

ALPHEUS THOMAS MASON

Runaway best-seller *The Brethren* paints an irreverent portrait of America's most hallowed institution, the United States Supreme Court.[1] The image, bizarre in its highlights, is that of nine quarrelsome, backbiting, foulmouthed intellectual lightweights with little or no appreciation of the crucial role they play in our constitutional system. The major target, Chief Justice Warren Burger, is pictured as a devious, pompous, humorless "dummy" who used the Court's center chair to promote himself, usurp his colleagues' prerogatives, and befuddle constitutional issues.

By and large, reviewers—lawyers, political scientists, historians, and journalists— have been critical. Ironically, the book's shortcomings underscore its significance. Few dismiss it as unimportant.[2]

"Its excellence is in its reporting," Jethro K. Lieberman concludes. "It is the most comprehensive inside story ever written of the most important court in the world. For this reason alone it is required reading."[3]

In both conception and execution, *The Brethren* seems misguided and naive. Apparently, the authors had not realized that Supreme Court justices are sometimes limited in competence and character. They seem surprised to discover that the Court is politically oriented and, on occasion, considers

[1] Bob Woodward and Scott Armstrong, *The Brethren: Inside the Supreme Court* (New York: Simon and Schuster, 1980).

[2] For Graham Hughes, Professor of Law, New York University, the book is "worthless as sound history, untrustworthy as gossip [and] child-like in its approach" (*New Republic,* 23 February 1980, p. 33).

[3] *Business Week,* 14 January 1980, p. 14. Lieberman is the magazine's legal affairs editor.

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whether a particular decision will be "good for the country." Why assume that justices are beyond reproach, never surrendering to the frailties that afflict other mortals? From John Jay to Warren Burger the Court has consisted largely of politicians, appointed by politicians, confirmed by politicians, and empowered to decide controversial public issues.

The authors, one of whom had struck gold in the Watergate exposé, *All the President's Men,* evidently believed that spilling the judiciary's carefully guarded secrets would be equally fruitful. In terms of dollars and cents, the book is a huge success. In what may be presumed to be a more elevated goal, it is a complete failure. A mountain of muckraking journalism labored and yielded nary a mouse of corruption or scandal, previously unknown. The smoking gun, if any, is yet to be discovered.

The Brethren is based largely on backstairs gossip and hearsay, sometimes once or twice removed. Interviews with scores of law clerks, evidently a major source, precluded citations. The most sensational disclosures, divining the justices' innermost feelings—"suspicious," "furious," "dumbfounded," "distressed," "paranoid," rarely in good humor—would be difficult to verify and document. Somehow the authors discovered that Justice Powell, finding no guidance in the Constitution for deciding the Abortion case, "felt he would just have to vote his 'gut'."[4]

A notable exception to freewheeling journalism is the informed and illuminating discussion of *United States* v. *Nixon,* the 1974 tapes case. Significantly, it draws heavily on a document—Justice Brennan's seventy-seven-page record, apparently obtained surreptitiously or stolen. Positive and negative inferences may be drawn. Heretofore, authors of books in this genre have been circumscribed by the legitimate use of authoritative records, by sensitivity to the proprieties and canons of good taste.[5]

Ironically, a book designed to display the Court at its worst, sometimes reveals it at its best. In the Nixon tapes case, where judicial temperament was strained to the limit, the Burger Court reached a principled decision. Even the much-maligned chief justice proved capable of meeting certain requirements of statesmanship.

The Brethren is not the first book to explore the Court's inside history, even the carefully guarded conference room. Walter Murphy's *Elements of Judicial Strategy,* a major contribution, was doomed to attract a relatively small audience by the author's low-key objective: "this book is neither an effort to

[4] Woodward and Armstrong, *The Brethren,* p. 230.

[5] Notable among such publications are: Alpheus T. Mason, *Harlan Fiske Stone: Pillar of the Law* (New York: Viking Press, 1956); Alexander M. Bickel, *The Unpublished Opinions of Mr. Justice Brandeis* (Cambridge: Harvard University Press, 1957); J. Woodford Howard, *Mr. Justice Murphy: A Political Biography* (Princeton, N.J.: Princeton University Press, 1968). A recent model of studies in this field is Dennis J. Hutchinson, "Unanimity and Desegregation: Decision-Making in the Supreme Court, 1948–1958," *Georgetown Law Journal* 68 (October 1979): 1–96. Not least among the distortions in *The Brethren* is the influence credited law clerks. In contrast, Hutchinson puts their role in proper perspective.

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debunk or belittle, nor an effort to praise or defend. It is an attempt to understand."[6] Murphy demonstrates how the black-robed jurists resort to all sorts of devices— bargaining, flattery, emotional appeal—in support of preferred goals. Far from faulting such procedures, he takes them for granted.

The authors seem to feel that negotiation and compromise, common in other political forums, are reprehensible in the councils of the judiciary. By featuring short tempers, emotional flare-ups, and crude language, Woodward and Armstrong overlook the benefits Edmund Burke attributed to give-and-take, rough-and-tumble debate, whatever the forum: "He that wrestles with us strengthens our nerves, and sharpens our skill. Our antagonist is our helper."[7]

Differences, opposition, and dissent are essential to the discovery of that most elusive measure of value—the common interest. Tucked away in a footnote of Rousseau's *Social Contract* is this gem of wisdom: "If there were no different interests, the common interest would be barely felt, as it would encounter no obstacle: all would go of its own accord and politics would cease to be an art."[8] The Constitution itself is "a bundle of compromises."[9]

Crucial Supreme Court cases rarely pose the simple issue of right and wrong. Usually involved is a tragic conflict that troubled the ancient Greeks, a clash of rights. For its resolution we have no calculus, no slide rule.

The Constitution's Framers were not strangers to the hazards of constitutional interpretation. In *Federalist* No. 37, Madison recalls that "among the difficulties encountered by the convention" was "combining the requisite stability and energy in government, with the inviolable attention due to liberty and to the republican form."[10] In attempting to achieve this delicate balance, two other difficulties were encountered: "imperfection in the organ of conception [and] inadequateness of the vehicle of ideas." Dramatizing the snares that plagued the Framers in 1787 and Supreme Court justices throughout our history, Madison observed: "When the Almighty himself condescends to address mankind in their own language, his meaning, luminous as it must be, is rendered dim and doubtful by the cloudy medium through which it is communicated."[11]

Small wonder that judicial decisions are informed by briefs of counsel on both sides and in crucial cases, such as *Brown* and *Bakke,* by amicus curiae briefs. Supreme Court opinions—majority, concurring, and dissenting—often

[6] Walter Murphy, *Elements of Judicial Strategy* (Chicago, Ill.: University of Chicago Press, 1964), preface, p. vii.

[7] Edmund Burke, *Reflections on the French Revolution,* Maynard's English Classics Series (New York: Charles E. Merrill Co., n.d.), p. 105

[8] Jean Jacques Rousseau, *The Social Contract,* Everyman's Library (New York: E.P. Dutton & Co., 1913), p. 25.

[9] John P. Roche, "The Founding Fathers: A Reform Caucus in Action," *American Political Science Review 55* (December 1961): 799–816; Alpheus T. Mason, *The States Rights Debate: Antifederalism and the Constitution,* 2d. ed. (New York: Oxford University Press, 1972), pp. 27–66.

[10] *The Federalist,* 2 vols., ed. Edward G. Bourne (Washington, D.C.: M. Walter Dunne, 1901), 1:240.

[11] Ibid., p. 243

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the product of exhaustive research and profound learning, are published, open to professional analysis and public scrutiny. It is difficult to be arbitrary when rulings are destined to be subjected to such a wide range of critical examination. Unlike members of Congress, Supreme Court justices are not surrounded by well-financed lobbyists, hired to advance special interests. *The Brethren* turned up only one case in which pressure was exerted on individual Supreme Court justices. The culprit was FDR's "Tommy the Cork," a veteran legislative lobbyist. Not surprisingly, Corcoran was unceremoniously ejected from the judicial chambers.[12]

The Founding Fathers, realizing the delicacy of the Court's role, provided judges with life tenure, thus freeing them from the political pressures that naturally influence the conduct of elected officials. The Framers were not unaware, however, that even judges might on occasion be culpable. Consequently, they made them subject to impeachment.

In *Federalist* No. 78, Hamilton anticipated possible abuse of judicial power: "The Courts must declare the sense of the law; and if they should be disposed to exercise *will* instead of *judgement,* the consequence would equally be the substitution of their pleasure to that of the legislative body."[13] *Federalist* No. 81 assures us that impeachment "alone is a complete security" for "deliberate usurpation on the authority of the legislative." In light of largely unchecked judicial aggrandizement, Hamilton's expectations border on the naive.

Speculating on how judges might be kept within the narrow bounds of objectivity, Hamilton wrote: "To avoid an arbitrary discretion in the courts, it is indispensable that they should be bound down by strict rule and precedents, which serve to define and point out their duty in every particular case which comes before them; . . . the records of those precedents must unavoidably swell to a very considerable bulk, and must demand long and laborious study to acquire a competent knowledge of them. Hence it is that there can be but few men in the society who will have sufficient skill in the laws to qualify them for the stations of judges."[14]

On the whole, Hamilton's prediction has been borne out. Few would deny that, in terms of character and competence, Supreme Court justices are of higher caliber than run-of-the-mill legislators and presidents. The accumulated historical record—nearly 500 volumes of Supreme Court Reports—stands as a living testimonial to depth of reasoning, dedication, and learning. Certain justices—Brandeis is but one notable example—have taken special pains to make their opinions instructive.[15] No other branch of our government has made a comparable contribution to college, university, and law school education.

[12] Woodward and Armstrong, *The Brethren,* pp. 79–85

[13] *The Federalist,* vol. 2, p. 103.

[14] Ibid., vol. 1, pp. 105–06.

[15] Paul Freund, a Brandeis law clerk, recalls that after an opinion had gone through numerous drafts, the justice often commented: "The opinion is now convincing. How can we make it more instructive?" This usually meant another visit to the Library of Congress and further documentary embellishments. When Brandeis discovered that "more than half of his law clerks were engaged in

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Certain judicial procedures are properly screened from the public eye. The reason is the same one that prompted members of the Constitutional Convention to keep their deliberations secret. Privacy of the conference room, at least while the case is pending, is a must. Later on, however, the work of Supreme Court justices, no less than the deliberations of any other branch of government, aided by the research of responsible scholars, should be subjected to public scrutiny. There is a very special reason for such studies. Supreme Court justices alone are politically nonresponsible. Because they are not directly restrained by the voters, the justices should be restrained by the informed verdict of history.

Nor has the Court suffered from such investigations. Documented research to date demonstrates the accuracy of Charles Evans Hughes's observation: "In the conferences of the Justices of the Supreme Court of the United States, there is exhibited a candor, a comprehensiveness, a sincerity, and a complete devotion to their task that I am sure would be most gratifying to the entire people of the Union, could they know more intimately what actually takes place."[16]

"I have no patience," Justice Stone commented, "with the complaint that criticism of judicial action involves any lack of respect for the courts. Where the courts deal, as ours do, with great public questions, the only protection against unwise decisions, and even judicial usurpation, is careful scrutiny of their action and fearless comment on it."[17] Authoritative research seems to confirm Justice Brandeis's claim that "the reason the public thinks so much of the Justices of the Supreme Court is that they are almost the only people in Washington who do their own work."[18]

Karl Llewellyn's caustic wit demolishes the purblind notion that judicial proceedings should be shrouded with an impenetrable veil of secrecy:

> It is well to remember that neither secrecy of the Court's deliberation nor later secrecy about what went on during that deliberation rests in the nature of things on any ordinance of God. The roots of each are either practical or accidental, and it is only either ignorance or tradition which makes us feel that we have here something untouchable, a semiholy arcanum. . . . . Thus the storied sanctity of the conference room represents to me as pragmatic and nonmystic a phase of appellate judicial work as the handling of the docket.[19]

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teaching, he said with satisfaction, 'Now I have a majority' " (Paul A. Freund, *On Understanding the Supreme Court* [Boston, Mass.: Little, Brown and Co., 1949], p. 74).

[16] Quoted in William L. Ransom, *Charles E. Hughes: The Statesman as Shown in the Opinions of the Jurist* (New York: E. P. Dutton & Co., 1916), pp. 13–14.

[17] Quoted in Mason, *Harlan Fiske Stone,* p. 447.

[18] Charles E. Wyzanski, Jr., "Brandeis," *The Atlantic,* November 1956, p. 71. For Wyzanski, "opinions of the Supreme Court are among the great sources of the education of the citizenry. . . . The total effect of judicial power in constitutional cases is to make the voter more knowledgeable and more responsible" (idem., "Judicial Review in America: Some Reflections," in *Constitutional Government in America,* ed. Ronald K.L. Collins [Durham, N.C.: Carolina Academic Press, 1980], p. 489).

[19] Karl Llewellyn, *The Common Law Tradition* (Boston, Mass.: Little, Brown and Co., 1960), p. 324n.

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It is ironical, indeed, that Chief Justice Burger, outspoken critic of *authorized* studies of the Court's internal workings, should have himself become the victim of hit-and-run vilification by the use of *unauthorized* sources. By keeping a tight lid on their papers or destroying them, the justices themselves invite books like *The Brethren.* Its authors may have been egged on by the fact that the Supreme Court has been less disposed than elected officials to "allow its decision-making to become public" and "has by and large escaped public scrutiny."[20]

Although the time is past when any body of men, including Supreme Court justices, can be set on a pedestal and decorated with a halo, there is certain advantage in maintaining the public image of the Court as somehow above the fray. Human nature seems to crave an object of veneration; mystery and mysticism are its handmaidens. America, unlike England, has no king or queen on the throne. Yet, like any free society, we can profit from a symbolic element. English publicist Walter Bagehot reminds us that those elements in the governing process that "excite the most easy reverence are theatrical elements—that which is mystic in its claims; that which is occult in its mode of action; that which is brilliant to the eye."[21] The Supreme Court occupies vis-à-vis the people a position not unlike that of the British crown. The difference—a big one—is that the Court wields power. With neither purse nor sword it can bring presidents, Congress, state legislatures, and governors to heel.

Judicial review, along with federalism, America's major contribution to the so-called science of politics, is in response to an imponderable. James Wilson, member of the Constitutional Convention of 1787, later Supreme Court justice, noting that "superiority of the Constitution" means "control in *act* as well as *right*," declared: "To control the power, and conduct of legislatures by an overruling Constitution was an improvement in the science and practice of government reserved for the American states."[22]

John Locke, sometimes identified as the Karl Marx of American constitutionalism,[23] had postulated that the legislative, though supreme, in his imaginary civil society, would be bound by both the laws of nature and "promulgated established Laws." But Locke provided no organ of government for resolving conflicts between the two levels of law. Confronted with this imponderable, the apologist for Britain's Glorious Revolution took refuge in circular reasoning:

[20] Woodward and Armstrong, *The Brethren,* p. 1.

[21] Walter Bagehot, *The English Constitution* (New York: A. Appleton and Co., 1914), p. 76.

[22] Quoted in Jonathan Elliot, ed., *The Debates of the Several Constitutional Conventions on the Adoption of the Constitution,* 4 vols. (Washington, D.C.: Jonathan Elliot, 1836), 2: 406.

[23] Louis Hartz holds that Locke "dominates American thought as no thinker anywhere dominates the political thought of a nation" (*The Liberal Tradition in America* [New York: Harcourt Brace, 1955], p. 140). Jefferson's appraisal is closer to the mark: "Locke's little book on government is perfect so far as it goes" (Jefferson to T.M. Randolph, Jr., 30 May 1790 in *The Papers of Thomas Jefferson,* 18 vols., ed. Julian P. Boyd (Princeton, N.J.: Princeton University Press, 1950–), 16:449.

Locke's contributions may be measured in terms of insights and ideas, especially during the revolutionary period. On the institutional side, he was of limited usefulness.

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> As there can be none [Judge on Earth] between the Legislative and the People, should either the Executive or the Legislative, when they have got the Power in their hands, design, or go about to enslave, or destroy them, the People have no other remedy than this, as in other cases when they have no Judge on Earth, but to Appeal to Heaven [apparently a euphemism for revolution].[24]

The Constitution's Framers, facing up to the Lockean dilemma, provided in the Supreme Court a terrestrial forum for the peaceful resolution of conflicts, thus institutionalizing revolution.

Revolution is America's birthright. "It is," Madison observed in *Federalist* No. 41, "the only lawful tenure by which the United States hold their existence as a Nation."[25] Since we could not consistently, or gracefully, turn our backs on the right of revolution, it was incumbent on the Framers to accommodate and tame it. Thanks to judicial review, America has sustained a series of revolutions, all so designated—the Jeffersonian election of 1800, the Jacksonian insurgency, the Civil War, the New Deal of the thirties, the Warren Court revolution, and Nixon's rebellion against the constitutional system itself. In all these confrontations the Court played a major role. All were peaceful, except the Court's ill-fated attempt in *Dred Scott* to resolve the slavery and nature-of-the-Union issues.

John Marshall recognized and endorsed judicial review in the Virginia Ratifying Convention well over a decade before he asserted it in *Marbury* v. *Madison*.[26] Less well known is the fact that the fourth chief justice conceived of judicial review as an alternative to revolution. "What is the service or purpose of a judiciary," he asked, "but to execute the laws in a peaceful, orderly manner, without shedding blood, or creating a contest, or availing yourselves of force? . . . To what quarter will you look for protection from an infringement

[24] John Locke, *Two Treatises of Government,* 2d ed., ed. Peter Laslett (New York: Cambridge University Press, 1967), par. 168, p. 397.

Omission of a common power overall in Locke's "Civil Society" seems all the more extraordinary in light of the fact that under his theory men left "the State of Nature" and entered "Civil Society" to enjoy the advantage of such an arbiter. In any event, for individuals and minorities, revolution in his civil society would seem to be an empty declamation: "For if it [tyranny] reaches no further than some private Mens Cases, though they have a right to defend themselves, and to recover by force, what by unlawful force is taken from them; yet the right to do so, will not easily ingage them in a contest, where they are sure to perish" (par. 208, p. 422).

Significantly, for both Jefferson and Madison the argument of "great weight" in favor of a Bill of Rights was the "legal check which it puts into the hands of the judiciary" (Jefferson to Madison, 15 March 1789). Madison, placing the proposed Bill of Rights before the House of Representatives, 8 June 1789, argued: "If they are incorporated into the Constitution, independent tribunals of justice will consider themselves in a peculiar manner the guardian of those rights" (quoted in Mason, *The States Rights Debate*, pp. 181, 187).

Availability of a forum in which the grievances of individuals and minorities can be heard and possibly vindicated discourages extralegal action.

[25] *The Federalist*, vol. 1, p. 276.

[26] Elliot, *Debates*, vol. 3, p. 503.

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on the Constitution, if you will not give the power to the judiciary? There is no other body that can afford such protection."[27]

But how could the Supreme Court, itself a creation of the Constitution, determine the constitutional limits not only of coequal organs of government but also decide the scope of its own power? The answer is that judicial review, in both theory and practice, carries with it the power to stamp the Constitution with a final interpretation, binding all organs of government with the authority of the document itself.[28]

Robert Yates, Convention delegate from New York, and a nonsigner of the Constitution, probing the realities, predicted that judicial review would enable the justices "to mould the government into almost any shape they please. . . . Men placed in this situation will generally soon feel themselves independent of Heaven itself."[29]

Yates had raised a hard question and made a serious charge. To answer it, Hamilton fused reason and magic. Judicial review, he argued in *Federalist* No. 78, does not suppose "a superiority of the judicial to the legislative power. It only supposes that the power of the people [whose will the Constitution embodies] is superior to both Legislative and Court." Thanks to judicial review, the "intentions of the people" would prevail over "the intentions of their agents." Hamilton, apparently realizing that such reasoning bordered on magic, went the whole way toward legerdemain: "It may be truly said that the judiciary has neither force nor will, but merely judgement."[30]

Constitutional interpretation is an art. Judicial review enables the Constitu-

[27] Ibid. To prevent "hydra in government" and a potentially explosive *imperium in imperio* [more than one supreme power in the same community], Marshall, in the face of the Eleventh Amendment, took jurisdiction of a case "arising" in a state court involving the Constitution and an Act of Congress. The chief justice explained: "No government ought to be so defective in its organization as not to contain within itself the means of executing its own laws against other dangers than those which occur every day. Courts of justice are the means most usually employed" (*Cohens* v. *Va.*, 9 Wheat. [1821], 264, 387).

[28] "In exercising this high authority [judicial review] the judges claim no judicial supremacy; they are only the administrators of the public will. If an Act of the legislature is held void, it is not because the judges have any control over legislative power, but because the Act is forbidden by the Constitution, and because the will of the people, which is therein declared, is paramount to that of their representatives expressed in any law" (*Lindsay* v. *Commissioners* [2 Ray, 38, 61], quoted in W.W. Willoughby, *The Constitutional Law of the United States,* 2d ed., 3 vols. [New York: Baker, Voorhis & Co., 1929], 1: 9).

[29] Quoted in Mason, *The States Rights Debate,* pp. 110, 112. Yates's eighteenth-century forecast sounded a note of criticism that has persisted throughout our history, including our own times. See Nathan Glazer, "Toward an Imperial Judiciary," *The Public Interest,* no. 41 (Fall 1975): 104–25; Raoul Berger, *Government by Judiciary* (Cambridge: Harvard University Press, 1977). In 1932, on the eve of the Court's stubborn defiance of the New Deal, Louis B. Boudin authored a book entitled *Government by Judiciary,* 2 vols. (New York: Godwin, 1932).

[30] *The Federalist,* vol. 2, pp. 99–101. Chief Justice Marshall subscribed to the same fiction: "Judicial power, as contradistinguished from the power of the laws, has no existence. Courts are mere instruments of the law and can will nothing" (*Osborn* v. *U.S. Banks,* 9 Wheat. 738 [1824], 863).

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tion to respond to the changing needs and aspirations of a free society. It involves the discovery of meanings revealed only to judges. For them the Constitution is a sort of brooding omnipresence.[31] To others, whether legislators or executives, its meaning is hidden, obscure—speculative. Thus a paradox lies at the core of the judicial process: while wearing the magical habiliments of *the* law, Supreme Court justices take sides on vital social and political issues. Justice Robert H. Jackson shattered esoteric constitutional orthodoxy—the Supreme Court considered as the mouthpiece of self-interpreting, self-enforcing law—when in a moment of rare judicial candor he confessed: "We are not final because we are infallible, but we are infallible only because we are final."[32]

Needed is not confirmation of what we already know, that Supreme Court justices are fallible, motivated by passion and drives common to other mortals. Essential in a free society are responsible and documented studies of the give-and-take of the judicial process. We know far less of the forces and factors that shape judicial action than we do of the workings of Congress and the presidency. The intimacies of the conference room—for Felix Frankfurter "the workshop of the living Constitution"—have been largely denied to the historian and biographer. "Until we have penetrating studies of the influence of these men [Supreme Court justices]," Frankfurter challenged, "we shall not have an adequate history of the Supreme Court, and, therefore, of the United States. . . . Divisions on the Court and clarity of view and candor of expression to which they give rise, are especially productive of insight. . . . Much life may be found to stir beneath even the decorous surface of unanimous opinions."[33]

After a certain lapse of time—opinions vary as to how long that should be—the Court and country would gain from informed and responsible disclosures of its internal proceedings. Not least among the advantages would be correction of the distorted picture of the Court and its members in books such as Pearson and Allen's *Nine Old Men* and *The Brethren.*

The Supreme Court is our final arbiter, always open to change, the forum and focus of never-ending dialogue, not entirely oblivious to the election returns. *The Brethren,* a monstrous blemish on a highly revered institution, is not likely to inflict permanent injury. Even the most striking example of judicial capriciousness did no lasting harm. In 1937, within a period of only a few weeks without change of a single justice, the Court, under FDR's misguided Court-packing threat, sustained New Deal legislation heretofore ruled invalid. From the Court itself the public learned that judicial decisions are not babies delivered by constitutional storks.

The Brethren, a disservice to the Court in both its practical and ceremonial

[31] "The *juristic* conception of judicial review invokes a miracle. It supposes a kind of transubstantiation whereby the Court's opinion of the Constitution . . . becomes the very body and blood of the Constitution" (Edward S. Corwin, *Court Over the Constitution: A Study of Judicial Review as an Instrument of Popular Government* [Princeton, N.J.: Princeton University Press, 1938], p. 68).

[32] *Brown* v. *Allen,* 344 U.S. 443 (1953), 540.

[33] Felix Frankfurter, *The Commerce Clause Under Marshall, Taney, and Waite* (Chapel Hill: University of North Carolina Press, 1937), p. 79.

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aspects, suffers most conspicuously from lack of grounding in history and sophisticated understanding of the judicial process. Warren Burger is not the first chief justice to take advantage of the Court's center chair. Marshall, Taft, and Hughes used the chief justiceship with an eye to their place in history and to promote cherished values.[34] Contemporary attacks, though sometimes harsh, did not descend, however, to *The Brethren's* level of character assassination.

When FDR's all-out attack on the "Nine Old Men" ran into a ground swell of public opposition, Professor Frankfurter tried to stiffen the president's resolve: "People have been taught to believe that when the Supreme Court speaks, it is not they who speak but the Constitution, whereas, of course, in so many vital cases, it is *they* (the justices) who speak, and *not* the Constitution. And I verily believe that that is what the country needs most to understand."[35] Purblind realism thus encouraged the president to persist in a battle in which "black-robed reactionary justices won over the master liberal politician of our day."[36] Determined to penetrate, by whatever means, the judiciary's inner sanctum, the authors of *The Brethren* were lured into the same trap.

Like FDR in 1937, Woodward and Armstrong seem not to realize that the Supreme Court is not only an instrument of government but also the symbol of an ideal—in the public eye, with certain justification, on the heights of Olympus.

The momentous tapes case is but a recent illustration of the Court's uniquely dual role in "a government of laws and not of men."

[34] Unrelenting assaults on Chief Justice Marshall make *The Brethren's* undocumented censure of Burger seem rather mild. Jefferson denounced Marshall's 1821 opinion in *Cohens* v. *Va.* as "huddled up in a conclave, perhaps by a majority of one, delivered as if unanimous, and with the silent acquiescence of lazy or timid associates, by a crafty chief judge, who sophisticates the law by the turn of his own reasoning" (To Thomas R. Ritchie, 25 December 1820, in *Works of Thomas Jefferson,* 12 vols., ed. P.L. Ford [New York: G.P. Putnams, 1904-05], 12: 177-78).

Taft used his political clout to win appointment of justices who shared his views and prevent appointment of those he feared might "herd with Holmes and Brandeis." See Mason, *William Howard Taft: Chief Justice* (New York: Simon and Schuster, 1964), chaps. 6-9.

Irving Brant demonstrates that Chief Justice Hughes used his opinion-assigning prerogative to portray himself as a liberal ("How Liberal is Justice Hughes?" *New Republic,* July 1937, pp. 295-98, 329-32). See also Mason, "Charles Evans Hughes: An Appeal to the Bar of History," 6 *Vanderbilt Law Review* 1 (December 1952): 1-19.

[35] Felix Frankfurter to F.D. Roosevelt, 18 February 1937, in *Roosevelt and Frankfurter: Their Correspondence, 1928-1945,* ed. Max Freedman (Boston, Mass.: Little, Brown and Co., 1967) p. 383.

[36] Robert H. Jackson, *The Struggle for Judicial Supremacy* (New York: Alfred A. Knopf, 1941) p. 196.

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Book Reviews

Foreign Policy by Congress *by Thomas W. Franck and Edward Weisband. New York, Oxford University Press, 1979. 357 pp. $15.95.*

We are all broadly aware of the demise of the imperial presidency and the revival of congressional activism in foreign affairs. But the process has been so multifaceted and the changes so frequent that nonparticipants are not likely to keep many of the details in mind, particularly those that involve quiet institution building rather than dramatic conflicts. So those of us who are interested in the making of American foreign policy as attentive observers and as occasional would-be influentials have for several years been badly in need of a comprehensive updating about the congressional scene. That is what Thomas Franck and Edward Weisband have now provided us. I for one feel greatly in their debt.

Their study is remarkably thorough in its coverage, vivid in its presentation, and hopeful in its approach and conclusions. The thesis is that Congress has accomplished a "revolution" in redistributing power away from the executive in the realm of foreign affairs—a durable revolution not just a pendulum swing. Durable because it has been institutionalized, with improved structures, procedures, personnel, and output patterns—new vested interests in effect—and because the executive has been learning to adjust. The authors make a very richly detailed argument that the changes of the 1970s, cumulatively, are very substantial and are now solidly grounded. To me this is an attractive picture.

Whether these changes amount to a revolution—the term the authors insist upon—is another matter. Partly this involves semantics and even personal taste in the choice of words. My own preference is to reserve the word revolution for vastly more profound upheavals in society; but I know well that the word has been devalued by others already much more than by Franck and Weisband. So my more serious doubts are about the underpinnings of the thesis the word is intended to exemplify. The authors simply do not devote enough attention, I think, to the broad *policy orientations* and associated *extragovernmental influences* that gave momentum to the ambitions of congressmen: not just a drive for democratic decentralization of power in Washington as a goal in itself, which

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is generally the aim the authors emphasize in their interpretations, but decentralization there *in order to restrict the interventionism abroad* to which modern strong executives have been prone. This has been a more crucial part of the total pattern of motivation than Franck and Weisband indicate. And this, I fear, is why the "revolution" may be less durable than they imagine.

The pendulum swing from interventionism to noninterventionism and back again, roughly generation by generation—a shifting willingness to use forceful intrusive instruments abroad—has been a conspicuous feature of our diplomatic history. Congressional activism tends to peak along with the noninterventionism (for example, the 1930s), and later to subside as a revitalized interventionism comes to welcome executive assertiveness. Nixon tried to cling to executive power and to a policy of interventionism, but the tide (as he knew) was running against him in both respects. Ford yielded fairly gracefully in both respects. But Carter (at least until November 1979) was the first American president since Herbert Hoover for whom noninterventionism (relatively speaking) was a positive virtue in American foreign policy. No wonder his administration could adjust without great discomfort to the surge of congressional assertiveness, as Franck and Weisband indicate. But Americans now seem to be "recovering their nerve," as the reemerging interventionists like to put it; and nostalgia for forceful presidents is also rising. To be sure, as the authors show, some hawks as well as doves have thrust Congress forward in various instances during the past decade. In the long run, however, if hawkish policies continue to grow popular again, they are likely as in the past to be much more compatible with executive than with legislative ascendancy. Supposing such a changed set of policy imperatives, I would be apprehensive that "untying the hands of the president" will have wider appeal than Franck and Weisband envisage from their narrower perspective.

Their "revolution" considerably restrains the executive *and the nation* in foreign affairs; if it is to last, the public must continue to be willing to have it restrain *both.* It is hard to have confidence that such a mood will prevail very long.

H. BRADFORD WESTERFIELD
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The White House Years *by Henry Kissinger. Boston, Mass., Little, Brown and Company, 1979. 1521 pp. $22.50.*

Richard Nixon's first appearance in this volume is marked by Henry Kissinger's observation that at the 1969 inaugural "he seemed uncertain" and "his pant legs as always [were] a trifle short" (p. 3). Nearly 1500 pages later Nixon is desperately searching for a new crisis to bolster his always beleaguered self-esteem and is about to find a crisis of a quite different kind in Watergate. This progression from superficial innocence to calculated corruption shapes these memoirs. At the beginning, Kissinger is surprised and elated at becoming national security adviser; by the end he is manipulating the media (only Oriana Fallaci's deviousness can match his own), piously acting as if he disagreed with Nixon's Christmas bombing of North Vietnam when in fact he agreed, and so carefully distancing

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himself from the president that Kissinger seems to be preparing us for declarations of innocence in the forthcoming volume two.

Kissinger's view of American history helps shape this progression. Before 1969 he had studied mostly the European past, not the American. The imbalance has not been corrected. His brilliant descriptions of Italian politics, Paris streets, Russia's traditional insecurity, even South Asian religions have no counterparts in analyses of any American scene beyond the District of Columbia's boundaries. Thus he begins by picturing an innocent United States, ignorant of "issues of strategy" and "physical power" (p. 195), entering "the twentieth century largely unprepared for the part it would be called upon to play" (p. 59). (Picturing earlier Americans as naive in the ways of "physical power" and "strategy" would have surprised the British, French, Spanish, Russians, Mexicans, Native Americans, and many Southerners who were driven out of North America, conquered, or exterminated by the United States.) He ends by noting the discredited if not corrupted foreign-policy establishment of the 1970s— a political system that can best be operated by its Richard Nixons— and academic institutions that are morally bankrupt. A superb tactician, Kissinger's own innocence of the American past may be one reason why his strategic concepts (détente, Iran, "decent intervals" in Vietnam) have never matched his tactical brilliance.

But the volume is a training manual in technique for aspiring diplomats. It teaches them how to deal with unstable leaders ("as was his habit when extremely agitated [Nixon] would bark an order and immediately hang up the phone" [p. 495], so Kissinger often simply ignored the order); uncooperative bureaucracies (three times in three months during 1971 Kissinger completed major negotiations of which "the regular bureaucracy . . . was unaware" [p. 831]); past insults (especially those from Kennedys); and future presidential contenders (John Connally is pictured as a sage in economics, the sharpest politician in town, and even Kissinger's tutor in how to deal tactically with the Soviets).

Above all, the volume is a lesson in adjustment. Kissinger fully understands that Americans entered a new era after 1968. Drastically changed power alignments required different bases "on which coexistence between the democracies and the Soviet system must be based" (p. 1253). Nixon believed the first steps were neutralizing the Vietnam issue and isolating congressional and bureaucratic opposition. The analysis was accurate but the prescription was not entirely correct. Vietnamese revolutionaries could not be neutralized politically or militarily. The world could not be as neatly divided between pro-Russian and anti-Russian forces as Nixon and Kissinger believed. When they attempted such simplistic divisions in complex situations, the results could be tragic—as in Allende's Chile, or in Egyptian relations where Kissinger admits he was so transfixed by the Soviet presence he did not understand the significance of Sadat's and Fawzi's efforts to work with Washington. The administration was at its best in pushing Americans toward necessary adjustments with China. But such an opportunity occurred only once. After that high point, Kissinger and Nixon had to deal with bullying Russians, obstinate North and South Vietnamese, an angry Congress, and a declining economy. These problems refused to give way to mere tactics and style, no matter how brilliant.

The failure to adjust to the new world of the 1970s goes deeper than the lack of public consensus that Kissinger continually blames for his and Nixon's policy failures. It reaches

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down to an innocence of American history and the premonitions of political corruption that open and close this volume.

WALTER LAFEBER
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The Crises of Power: An Interpretation of United States Foreign Policy During the Kissinger Years *by Seyom Brown. New York, Columbia University Press, 1979. 170 pp. $10.95.*

Seyom Brown wrote this book "while waiting for Henry Kissinger's memoirs" because he wanted to work out his own appraisal of U.S. foreign policy during the presidencies of Richard Nixon and Gerald Ford "unaffected by the storm of pro- and anti-Kissinger polemics" that the memoirs would unleash. That seemingly risky step may have been prudent: Brown thereby spared himself the task of taking Kissinger's monumental tome into account. And he got his own brief volume into print in time to serve as a useful guide through the labyrinths of the Gospel according to St. Henry.

Brown's title recalls (surely intentionally) his earlier book, *The Faces of Power* (Columbia University Press, 1968), a critique of American foreign policy from Truman to Johnson. That gloomy assessment was rendered even gloomier by the note on which Brown concluded an epilogue he wrote for the paperback edition just as Nixon and Kissinger took office: "On January 20, 1969, there was no basic foreign policy to be handed over intact to the Nixon Administration" (p. 378). A decade later Brown is more optimistic. His recent book ends: "Kissinger on balance played a weighty and constructive role in the necessary adaptation of U.S. policy to a world more complex and less responsive to simple exertions of American power than the one his predecessors had inherited after World War II" (pp. 152–53). There was, indeed, a Kissinger legacy to hand over: new attention to the global balance and an effort "toward positively relating to, rather than pushing away, the new forces in world politics"(p. 153).

Kissinger's policy toward the new forces in world politics Brown sees as ironic. For the most of his eight years in office Kissinger did not take seriously issues off the beaten big-power track, such as appeals for a "new international economic order" or for majority rule in Southern Africa. But in 1975 and 1976 he had what Brown plainly regards as the courage to reverse himself on these issues. Perhaps, Brown suggests, they formed for Kissinger "a higher realpolitik," one premised on notions of world order that encompassed much more than a stable American-Soviet balance.

As these lines imply, Brown's is on the whole an admirer's account. Only regarding Kissinger's handling of the Vietnam peace negotiations is he bluntly censorious. "Kissinger's attempt to dignify as a 'tragedy' his and Nixon's prolongation of the bloodshed to gain an honorable peace in Indochina was transparent charlatanism," he writes, the work of "stubbornly proud men" who would not admit they were mistaken (p. 54). Most policies, however—the opening toward China, the handling of the Soviet relationship, the efforts toward a Middle East settlement, the move toward closing the breach with the Third World in 1975–76—get generally high marks.

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Yet Brown is ultimately ambivalent about Kissinger's achievements as philosopher-statesman. Passages of guarded reservation follow paragraphs of handsome praise. What disappoints Brown the most is that Kissinger never fully articulated the premises of the "larger concept behind the hyperactive diplomacy." It was both a personal and a national misfortune, Brown says, that Kissinger "had correctly diagnosed the need for conceptual clarification but was unable to supply the remedy"(p. 16). Others, too, have commented on the absence of a clear conceptual underpinning to Kissinger's diplomacy.

But when statecraft is reduced to maxims it must invariably seem rigid and simplistic. Kissinger's conduct of office was anything but that. Moreover, the world view that infused it is scarcely difficult to uncover. It infuses all of Kissinger's published works, including his memoirs. Taken out of context it *is* disarmingly simple. But as Kissinger so often demonstrated in his academic writings on other statesmen, it is one thing to articulate a world view and something quite different to base "real" decisions on it. Kissinger's reputation as a conceptualizer was secure before he left the academy for Richard Nixon's White House. Posterity will evaluate his stewardship on the basis of the results. All things considered, Brown is a very kind expositor-critic. Others may be less charitable.

RICHARD H. ULLMAN
Princeton University

Endgame: The Inside Story of SALT II *by Strobe Talbott. New York, Harper & Row, 1979. 319 pp. $15.00.*

Strobe Talbott, the diplomatic correspondent of *Time* magazine, has written an impressive account of the evolution of the SALT II agreement that should be equally fascinating to lay persons interested in SALT and specialists in arms control. After briefly sketching the background of SALT I and the early negotiations on SALT II under Secretary of State Kissinger, Talbott proceeds chronologically, describing the events leading up to the Carter-Brezhnev summit in Vienna in 1979. (The text of the treaty is included in an appendix.)

He deals with the major U.S.-Soviet meetings of the Carter administration, beginning with the abortive March 1977 meeting in which Secretary of State Vance, departing from the approach of the Kissinger period, made a "comprehensive proposal" for deep cuts in the arsenals of both sides. After describing the American regrouping necessitated by the Soviet rejection of this initial thrust, Talbott clearly sets forth the U.S. preparations for and participation in subsequent negotiations over the next two years. He keeps the negotiations in context by touching on events that affected the climate of SALT II (for example, the U.S. human rights campaign, the cancellation of the B-1 bomber, the normalization of relations with the People's Republic of China, and the loss of Iranian listening posts for verification of the treaty).

Talbott skillfully interweaves the many diverse threads of the personalities, politics, and technical issues of SALT II. In describing the formulation of American positions and setting forth differences among the National Security Council, the Defense Department,

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the State Department, and the Arms Control and Disarmament Agency, he draws on interviews with key participants. Although President Carter, Zbigniew Brzezinski, Harold Brown, Cyrus Vance, and Paul Warnke are at center stage, the crucial role played by their subordinates in the policymaking process is also depicted. The description of U.S. policymaking provides much of the narrative interest of the book.

In addition to U.S.-Soviet and intra-administration bargaining, Talbott deals with the administration's relations with Congress and with NATO allies. And he clearly explains a number of technical issues that are important to an understanding of SALT II (for example, the role of cruise missiles, verification of the treaty, and constraints on missile modernization).

The most serious weakness of the book is that Talbott's reconstruction of events is based on interviews with many American and some Soviet officials. Yet, because of the sensitivity of the topic, the sources remain anonymous. While this is understandable, it is regrettable, for there is no way of assessing the validity of information that may well be colored by personal and bureaucratic interests. Only when (or if) participants write memoirs in the next decade or so are scholars likely to obtain a more detailed understanding of events prior to declassification of the negotiating record.

Endgame may serve a number of different purposes. It is, at one level, a well-told story of the most important and glamorous negotiating forum of our era. At another level, it could buttress advocates of SALT II ratification, for it shows that the Carter administration learned over time how to negotiate with the Soviets and largely succeeded in forging a sound agreement.

It is at a third level, however, that scholars may find this book of particular use. Along with John Newhouse's account of SALT I (*Cold Dawn: The Story of SALT*, 1973), it provides a working outline of U.S.- Soviet bargaining over strategic arms. Talbott even draws some conclusions about Soviet negotiating behavior that could be converted into hypotheses subject to empirical testing—for example, "Only later did the U.S. side come to realize that it was standard Soviet procedure always to stonewall in the first session" (p. 123). Thus, one possible use of case studies such as these—particularly as they increase in number—is as a source of hypotheses and data about Soviet and American negotiating behavior on arms control. Although *Endgame* does not pretend to satisfy the canons of social scientific research, it is, for some time to come, likely to remain the most prominent map of the difficult terrain of SALT II.

ROBERT C. GRAY
Franklin and Marshall College

Presidential Decisionmaking in Foreign Policy: The Effective Use of Information and Advice *by Alexander L. George. Boulder, Colo., Westview Press, 1980. 267 pp. Cloth, $24.50; paper, $10.00.*

In his latest book on foreign policymaking Alexander George has provided a synthesis of the best of recent thinking on the problems of organizing effective processes within the executive branch. To my best recollection this book contains not a single mention of the

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Constitution, Congress, interest groups, parties, or public opinion. George has the executive branch under his microscope to the exclusion of all other factors, and the result is everything we ever wanted to know about individual, informal group, and formal system policymaking processes. This is a book of lists: nine malfunctions of the advisory process (p. 25); seven cognitive aids to decision making and critiques of each (pp. 39–47); four ways stress affects performance of cognitive tasks (p. 49); seven reasons why striving for consistency might be suspect (p. 63); eight propositions on the effects of bureaucratic politics (pp. 112–13); and nine malfunctions that can occur under any system of policymaking (chap. six). Would that every college president and dean of faculty had a copy of this book!

George's compendium is actually a concise handbook that should be read and used by every student, teacher, and practitioner of executive politics. His analysis mercilessly detects, dissects, and describes every possible ego problem, information-processing problem, small-group interaction problem, and administrative problem that might involve collegial, decentralized, or formalistic policymaking systems. His trenchant critique of Carter's collegial system (p. 161) is useful and parallels the work of other commentators; George provides perspective and theory that make his discussion one of the best. He connects presidential character with small-group interaction, and small-group interaction with bureaucratic systems in a concise manner.

His work might have been more useful had he extended it to indicate how interest groups, the media, and legislative committees also affect White House decision making. We get no sense here of the various external resources that participants may bring to small-group discussions at the White House, or how these resources may affect relations with the president, group interactions, or formal processes.

Readers conversant with George's other works know that he always offers constructive alternatives. Here he explores the limits of the "multiple advocacy" model as well as its advantages. He provides a set of conditions required for such a model to work (p. 194), and his criteria could serve as a useful prescription not only within the executive branch, but also for anyone interested in the problem of collaboration between president and Congress. George also points out the advantages to be gained by the president who would confine his national security adviser to the role of custodian of the decisional process (pp. 195–96).

Eventually George settles for a variation of collegial policymaking as his preferred model. His text is the 1962 Cuban missile crisis and the performance of the Executive Committee of the National Security Council (ExComm). Here we part company, for it seems to me that the ExComm does not represent a collegial model, but rather a case of successful presidential manipulation of a quasi-governmental group of "notables," accompanied by an extreme form of presidential prerogative power utilizing the services of the "inner-cabinet" and key White House aides.

George concludes with criteria for policy-relevant theory. His list here seems to lack two crucial items: extensive knowledge of diplomatic history and of the art of diplomacy. If future presidents are not to be taken for imbeciles by their European colleagues in the alliance, it seems to me no president should in the future enter office without some knowledge and "feel" for the alliance.

Post-imperial president-watchers choose one of two tracks in describing and analyzing

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the foreign policymaking process. Either they emphasize constitutional standards and institutional relations, or they focus on the interior mechanisms of the executive. Might it not ultimately be useful to develop a study that would test the propositions that better information is provided to the executive, and better decisions emanate from it, when certain principles of codetermination of policy are followed? And that better collaboration results when both branches try to organize their policymaking processes so as to avoid some of the pitfalls that George describes? Perhaps the work done by George may someday be incorporated into a single, more embracing, theory of foreign policymaking that emphasizes not only administrative rationality, but also legitimacy and accountability within the constitutional system.

RICHARD M. PIOUS
Barnard College, Columbia University

The Nuclear Question: The United States and Nuclear Weapons, 1946–1976 *by Michael Mandelbaum. New York, Cambridge University Press, 1979. 277 pp. $14.95.*

This ambitious book attempts to discover what threads of coherence and logic can be found in the policies of the nuclear age. The author takes as his point of departure the Baruch Plan. Mandelbaum considers it a sincere, if ill-fated, venture into liberal diplomacy. This sweeping plan called for the establishment of an international inspectorate, the abolition of atomic weapons, and a consequent reduction in the sovereign power to make war. He gives too little attention to the question whether the United States during the period of its atomic monopoly was ready to relinquish this advantage and face the full implications of such liberal diplomacy. Mandelbaum argues that liberal diplomacy, symbolized by the Baruch Plan, was the predominant American approach in the early cold war years to the "nuclear question." Since there was so little substance to the nuclear diplomacy of that period, Mandelbaum may be making too much of the Baruch Plan and its successors and thereby confusing rhetoric with policy.

The real joining of the nuclear question comes, according to Mandelbaum, in 1961–63 during the Kennedy administration. Only during those years did the United States shed the illusions of liberal diplomacy and accept the modest vision of traditional diplomacy. Nuclear policy had to accommodate the reality of the warfare and nation-state system. Mutual assured destruction, a doctrine made possible by the advent of the Minuteman and Polaris missile systems and fashioned by President Kennedy and Defense Secretary McNamara, allowed the superpowers and the world to live with the bomb. Invulnerable intercontinental ballistic missiles, a twenty-first century technology, would allow the world to continue to observe the precepts of nineteenth-century diplomacy. No sweeping disarmament regimes were necessary.

Another doctrine advocated by Kennedy and McNamara, graduated deterrence, would permit the warfare system to continue in spite of the holocaustal threat of a nuclear exchange. Wars could be settled at the conventional level. These doctrines removed the urgency, if not the need, to abolish nuclear weapons.

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The Cuban missile crisis, a seminal event in Mandelbaum's analysis, added a third dimension to this framework. Kennedy and Khrushchev, having stared into the nuclear abyss, recognized how easily events could get out of control. Deterrence was not enough. Additional barriers to nuclear war—fences, as Mandelbaum describes it—had to be erected. Arms-control measures would be required to buttress the military policies so carefully designed by Kennedy and McNamara.

By 1963, Mandelbaum implies, the superpowers had discovered the formula for resolving the nuclear question. Assured destruction would prevent a major nuclear war, arms-control agreements would curb the excesses of nuclear competition, aerial surveillance would police such agreements without invading sovereign prerogatives, and graduated deterrence would allow the war system to continue. The Test Ban Treaty and SALT were inevitable consequences.

Mandelbaum's basic assumption is that the rationalists, namely, Kennedy and McNamara, imposed the general rules. Strategy and doctrine overruled bureaucratic politics. The antiballistic missile was an anomaly soon discarded. Other weapons not suited for mutual assured destruction—Skybolt, Jupiter, and Titan missiles—were phased out.

Mandelbaum's case is far from closed. There is considerable evidence that events have not been so consciously managed and that the rules of the nuclear age are still sadly inadequate. Weapons such as cruise missiles and multiple independently targeted reentry vehicle (MIRV) warheads with implications far more serious than Skybolt, Titan, and Jupiter have been planned before any clear mission or doctrinal justification could be found for them. Mandelbaum himself acknowledges that the size of our Minuteman force (1000) was arbitrarily established to appease the military. Nor is it clear, given Vietnam and Afghanistan, that, as Mandelbaum optimistically puts it, "prudential conduct was the unwritten iron law of the nuclear age" (p. 222). And, as both sides continue to develop weapons with increased accuracy and mobility, we cannot conclude that mutual assured destruction is or, has ever been, the accepted theology of the age.

Mandelbaum has written a literate book on a grisly subject not always calculated to stir the literary imagination. But he has only joined the nuclear question; he has far from solved it.

ROBERT J. BRESLER
Pennsylvania State University

Limited War Revisited *by Robert E. Osgood. Boulder, Colo., Westview Press, 1979. 124 pp. $15.00.*

This is a very useful short book that nicely summarizes the development of limited-war strategy since World War II, briefly analyzes the impact of Vietnam on that strategy, and then succinctly presents contemporary refinements of the strategy. Osgood argues that even if containment is becoming obsolete or only peripherally relevant, the limited-war strategy that arose from that policy "will be an essential part of U.S. military strategy as long as the United States has vital interests overseas that may have to be protected,

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ultimately, by armed force" (p. 87). The crucial problem, according to Osgood, is not the one of containment, which may in fact be an unavoidable necessity, but rather trying to determine when to implement containment by force.

This question has become increasingly complicated in recent years, especially in reference to the Third World—which is precisely where the American experience in Vietnam has had the greatest impact. In an effort to understand the lessons of Vietnam, Osgood cites four reasons for our failure in that country: the vulnerability of the South Vietnamese government; the fact that the U.S. military was not trained, organized, or equipped to fight insurgents; the incremental expansion of the war (although there is no guarantee that rapid expansion would have been successful either); the U.S. national interests at stake were not sufficiently compelling to Americans to justify a commitment large enough to win the war. Because of the particular nature of that war, there are few general lessons that can be drawn from it that will have relevance in other cases. However, one general political conclusion that emerges is that "henceforth U.S. interests . . . must not be assessed only in terms of a general commitment to stopping the expansion of communism" (p. 49). In other words, simple-minded containment per se should not be considered adequate grounds for the U.S. commitment of force in the Third World. One would guess, then, that Osgood would be opposed, for instance, to the U.S. commitment of force to defend Afghanistan.

Osgood does not confine himself to Third World scenarios. In fact much of his discussion is directed to the problems of limited-war strategies in a central war and a local war in Europe. Here the relevance of Vietnam is peripheral at best, and the crucial issues are improved technology and the overall increase in Soviet military capabilities at all levels. The United States and NATO have responded to the latter phenomenon not only by technical improvements in weapons systems but by an absolute increase in defense expenditures by all NATO nations. The hope is that modest expenditures "can achieve an adequate balance of war-fighting capabilities" (p. 61) and, thus, effectively deter Soviet adventures in Europe. However, for Osgood all these improvements may not be as significant for NATO as the serious deterioration of its southern flank. Ironically, our attention has focused on the central front throughout the 1970s at precisely the time when for political reasons the threat to that area has subsided, and the really serious problems for NATO have been occurring around the Mediterranean.

In summary, the argument of the book is tightly organized and well presented. For a brief overview of the contemporary status of limited-war strategies this is far and away the best book available today.

PHILIP W. DYER
University of Nebraska-Lincoln

On Every Front: The Making of the Cold War *by Thomas G. Paterson. New York, W.W. Norton, 1979. 210 pp. $14.95.*

Thomas Paterson's new book consists of a series of essays on the origins of the cold war designed for undergraduate courses in American history. He displays a solid mastery of the literature and a commendable desire to rise above the polemical nature of the earlier

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debate among historians on this subject. Instead of presenting a chronological account of how the cold war began, he opts for a topical presentation, with essays focusing on three factors: the conflict-ridden international system, the clashing interests and ideologies of the United States and Soviet Union, and the contrasting tactics pursued by the two superpowers. The result is disappointing. The reader gets a good idea of some of the parts, but nowhere is there an explanation of the whole. What is missing is any sense of the dynamics of the cold war—the mysterious historical process under which the uneasy wartime alliance gave way, not just to rivalry and suspicion, but to an all-embracing conflict between two rival cultures.

Several of the individual essays provide insight into aspects of the cold war. Paterson succeeds in analyzing the inherent instability in the postwar international environment, in delineating the fundamental American interests at stake, and in surveying the bases of Soviet behavior. He is much less successful, however, in analyzing the impact of American presidential leadership on the development of the cold war. He ignores many of the flaws in Franklin D. Roosevelt's diplomatic style as he presents a one-sided indictment of Truman's brusque and aggressive diplomacy. Thus Paterson resurrects the old legend, first advanced by Denna F. Fleming, that the cold war stemmed directly from the transition from Roosevelt to Truman in 1945. He is equally unconvincing in his assertion that neither public opinion nor Congress shaped Truman's foreign policy. He ignores the strong anti-Communist element in American postwar opinion and the growing public distrust of the Soviet Union; instead, he claims that Truman used his presidential power to manipulate the American people in order to forge a cold war consensus. Thus, despite a good chapter on the Soviet contribution to the growing confrontation, Paterson leaves the impression that if only Truman had been wiser and more accommodating, the whole conflict could have been avoided.

Even the title is misleading. *On Every Front* suggests a comprehensive account of the origins of the cold war, one that would examine the global setting and not just the European scene. Yet there is virtually no mention of conflict in Indochina or Iran or China in this account. The recent deterioration in Soviet-American relations underlines the importance of understanding how the cold war began. Paterson provides some useful observations, but he has not given us the broad synthesis that we need as we enter into yet another phase of the continuing conflict.

ROBERT A. DIVINE
University of Texas at Austin

The Neoconservatives: The Men Who Are Changing America's Politics *by Peter Steinfels. New York, Simon and Schuster, 1979. 335 pp. $11.95.*

This is a survey and evaluation of a number of contemporary social thinkers who have recently been given the label "neoconservative." Peter Steinfels, the executive editor of *Commonweal*, devotes special attention to Irving Kristol, Daniel P. Moynihan, and Daniel Bell; but he also comments here and there on numerous other thinkers, ranging

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from Raymond Aron, Edward Banfield, and Zbigniew Brzezinski to Aaron Wildavsky, James Q. Wilson, and Tom Wolfe. Although he utters occasional faint praise for their questioning of some of the simpler assumptions of contemporary liberalism, the neoconservatives strike him as weak thinkers, antidemocratic, prone to political hysteria, and primarily advocates of the outlook of a technocratic group of "policy professionals" with vested interests in the existing system.

Not explicitly stated at the start of his enterprise, Steinfels's frame of reference unfolds quickly and clearly as the book progresses. It is succinctly captured as the author concludes: "The great danger posed by and to neoconservatism is that it will become nothing more than the legitimating and lubricating ideology of an oligarchic America where essential decisions are made by corporate élites, where great inequalities are rationalized by straitened circumstances and a system of meritocratic hierarchy, and where democracy becomes an occasional, ritualistic gesture" (p. 294).

The author's description of his subject frequently borders on caricature. He has a gift for catching his subjects at their crankiest rather than at their most thoughtful; this is easy enough when dealing with political journalism written in the combative style of the New York intellectuals but hardly conducive to serious analysis. Occasionally, Steinfels seems to indulge in downright misstatement. The worst example, offered without documentation, is the assertion that *for neoconservatives in general*, "Watergate was an embarrassment slightly relieved by equating it with the civil disobedience of war resisters or the lawlessness of violent radicals" (pp. 50–51).

As a work of intellectual criticism, the book is not an impressive exercise. At one time or another, the author resorts to innuendo, guilt by association, quibbling, and unsubstantiated assertion. It tells us nothing about the validity of neoconservative ideas, only to observe that the neoconservative idea of the "new class" has appeared in Mobil Oil ads (p. 58) or to note that Irving Kristol dined at the Nixon White House and was favorably mentioned by Spiro Agnew (p. 88). One tires of constant demands for greater precision and clarification of what seem to be reasonably precise and clear propositions (for example, pp. 57–58), or of demands for evidence to illustrate truisms, for example, the discussion of Peter Berger (p. 198). Nor is it helpful simply to denounce without further exposition some ideas as a "muddle" (pp. 42–43), or to assert that "studies" have demonstrated a point without citing a study or two (p. 228), or to invoke such noted Left-liberal thinkers as Sheldon Wolin and Michael Harrington as if they had just descended a mountain carrying stone tablets (pp. 17–20, 82–83). At times, Steinfels is downright puzzling. He criticizes the neoconservatives for depicting John Rawls as a leveling egalitarian; yet his own quotations from Rawls seem on the whole to confirm them (pp. 235–39). He fussily decries Irving Kristol's attempts at political humor (p. 96) after having told us that Daniel Bell displays his learning "with all the subtlety of Mussolini's architecture" (p. 73).

Steinfels nevertheless is a fluent, engaging writer who says some intelligent things when he discusses his subject as part of the "counterintellectual tradition" in modern Western history and when he examines its ambivalence toward democracy. Still, he has left me unconvinced that the application of the tag "neoconservative" to this group of older, cautious liberals is intellectually justified, and I do not believe that he has successfully

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refuted them. This book is best regarded as another shot in a fierce intellectual battle, a circumstance that explains its resort to overkill.

ALONZO L. HAMBY
Ohio University

Rockefeller of New York: Executive Power in the Statehouse *by Robert H. Connery and Gerald Benjamin. Ithaca, N.Y., Cornell University Press, 1979. 480 pp. $15.00.*

This book is a major contribution to the study of American state government and politics. Its focus is the gubernatorial administration of Nelson Rockefeller, whose fifteen years (1959–73) as New York State's chief executive spanned a momentous era in American state government. It is very much like, as well as about, the Rockefeller governorship —well organized, thoroughly prepared, and pragmatically rather than ideologically oriented. An excellent piece of work, this book sheds much light on two decades of development in the Empire State. Ultimately, it also raises broad and fundamental questions about the workings of the American political system.

The authors' concern is not with the man Nelson Rockefeller, but with his gubernatorial administration. From their labors one can learn something about his political and administrative style, but relatively little about his personality, much about his public goals, but not much about his personal ones. The result is a less titillating but more worthwhile book.

One of its most significant strengths is the perspective provided not only on New York State but on American state and local government generally. The authors have done a commendable job of relating developments in the one state to those in the other states and of bringing to bear the relevant scholarship. To cite only three of many possible examples: the chapter on fiscal policies limns the context through a comparative review of expenditure patterns in American states; the chapter on urban problems includes a quite useful overview of the home-rule movement in the United States; the chapter on state-federal relations is prefaced by a very sophisticated sketch of the way in which a governor has to operate in Washington to be successful. The latter chapter, plus one on administrative organization and management and another on the executive staff, are of particularly high quality. All three show an exceptionally good feel for what is relevant and worthwhile; all three make effective use of interviews and papers as well as secondary sources. (Interestingly enough, the interviews with Rockefeller seem to have been among the least productive, though the project apparently had his blessing.)

Along with their description and analysis, the authors include evaluations of the more important or controversial Rockefeller programs and actions. Judicious in tone and seemingly well founded, these evaluations reflect a breadth of knowledge and a maturity of judgment only too rare among scholars today. The accomplishments of the Rockefeller administration were substantial, particularly in such fields as higher education, parks, and water quality. There were as well notable failures, as in narcotics control.

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In addition to their evaluations of particular programs, the authors prepare in the final chapter a balance sheet on the fifteen years of Rockefeller stewardship. Their concluding observations deserve our most thoughtful consideration: "In the end, what is most ironic is that Rockefeller's great achievement was inseparably bound up with his most telling failure. The achievement was the quality of leadership he offered, the unflinching way in which he caused the state to take up the preeminent problems of his era. The degree of success varied, but Rockefeller did not duck the problems. The failure was one of perspective. It resulted from Rockefeller's inability to accept the limits of his circumstances, and thus to anticipate the cumulative consequences of his decisions. Ultimately, it was the conservative, not the liberal, critique of Rockefeller that was most compelling. He achieved mightily, but tried to do too much too fast" (p. 430).

Several questions come to mind as one ponders the implications of this excellent study. How did it happen that neither constitutional restrictions nor political processes were effective in checking the tendencies that cumulatively "pushed the state to the limit of its means"? Will other states and their localities—or the nation—be any better able to control such tendencies on the part of highly skilled, energetic, and wealthy chief executives? And, finally, how can we guard against the opposite tendency to try to do too little, too slow?

CLIFTON MCCLESKEY
University of Virginia

Truman, American Jewry, and Israel, 1945–1948 *by Zvi Ganin. New York, Holmes and Meier Publishers, Inc., 1979. 189 pp. Cloth, $24.50; paper, $12.50.*

Few people remain unemotional when discussing the creation of the Jewish homeland. Zvi Ganin, an Israeli, manages to take a dispassionate view of the actors and issues that led President Truman to his decision to recognize Israel. Earlier works have argued that Truman was either blindly pro-Zionist or so moved by short-range political expedience that his Palestine policy was devoid of any long-term considerations. The author believes that Truman's important objectives included preservation of the Holy Land, a peaceful resolution of Arab-Jewish conflict, and arrangements for the immigration of 100,000 European Jewish refugees.

The title is somewhat misleading, however, since Truman seldom plays a central role in this book. Most of the author's energies are spent demonstrating that the Zionists led by the abrasive, but effective, Rabbi Hillel Silver of Cleveland failed to exert decisive political pressure. Jewish leaders often spoke at cross purposes, thereby creating a false impression of disunity in the large Jewish community. Powerful opposition from the State Department, "oil lobby," and pro-Arab groups neutralized many Zionist initiatives. Emotional appeals irritated Truman. In the end, the author argues, Silver and the Zionists could not have succeeded without the "personal, quiet diplomacy" of more moderate Jewish leaders—White House counselors Sam Rosenmann and David Niles, Truman's Missouri friend Eddie Jacobsen, and Dr. Chaim Weizmann.

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Having laid out his theses, the author proceeds to lose the reader in a bewildering tangle of organizations, issues, and events related to the Palestine question. The book lacks either a coherent narrative or thematic framework to guide the reader through this dense political thicket. The author does not establish a larger context for the events he examines. The reader has little sense of the military or political situation in Palestine or of how the Palestine question related to such American foreign-policy issues as the cold war, the U.S. role in the Middle East, and major foreign-assistance programs. On the domestic front the reader learns little more than that Jews exerted "powerful pressure" (though not how or what), that they gave large campaign contributions (not how much or to whom), and that they voted as a bloc (but not on what issues). The author does not give his reader much information about key figures or their motives. He explains, for example, that Rabbi Silver had ties to Robert Taft without ever explaining their relationship or its political significance (p. xiv).

The weakness in his analysis may perhaps be explained by the author's excessive reliance on Jewish and Zionist archives and inadequate attention to other sources. Ganin makes scant use of vast State Department records beyond those published in the *Foreign Relations* volumes. He missed altogether the important Palestine Statehood Committee papers at Yale University. These are the records from 1939 to 1949 of five organizations led by Peter Bergson (Hillel Kook), a rival of many Zionist leaders and key figure in the dissident underground organization, the Irgun (IZL). The papers include correspondence with many major public figures. In using his evidence the author burdens the reader with far too many long, unanalyzed quotes. Suggestive references in many quotations to Russian designs or other critical issues (for example, p. 151) generally go unnoted.

The author has an important case to make, but even specialists and those interested in the Zionist movement will have difficulty wading through so much undigested material. Only with the establishment of a larger political context, better use of available sources, structural reorganization, and clear, forceful prose would this book be more worthy of the attention of both scholars and general readers.

MARK H. LYTLE
Bard College

Financial Invasion of the U.S.A.: A Threat to American Society? *by Earl H. Fry. New York, McGraw-Hill Book Company, 1980. 202 pp. $9.95.*

This book is a very useful overview of overseas investments in the United States. It gives a clear picture of the magnitude of the phenomenon in various sectors, with a special emphasis on the automotive, retail, publishing, chemical, and high-technology sectors, as well as foreign purchases of farm, timber, and ranch lands, and commercial properties. Foreign activity in the stock market and the banking industry are also discussed. After going through this study, one has a good idea of the scope of foreign holdings in this country by both financial institutions or corporations and individuals.

The author analyzes why the United States has become so attractive to foreigners—both economic and sociopolitical reasons. He pinpoints the types of investments that are

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most attractive to foreigners and examines the methods used in such investments. Fry also analyzes the relevant fiscal and regulatory variables. He asks what threats such investments constitute for this country. He discusses policy implications—what *is* done and what *might* be done—and the potential consequences such measures might have in terms of possible retaliation by foreign governments.

The prime merit of this book is its descriptive value. Undoubtedly this is high. The reader does learn a lot about the extent of foreign activity in this nation. Where this book makes somewhat less of a contribution is in addressing the question "A Threat to American Society?" Here the conclusions are weak. The author implies there *is* a danger for the United States. I for one fail to see this, and I certainly have not been convinced by the rather cursory cause-and-effect relationships Fry tries to draw. Especially in light of the magnitude of U.S. holdings overseas (or to put it the other way around, the portion of certain other countries' economies held by foreigners), there seems to be—albeit certain exceptional areas—little cause for serious alarm at the national level. The author is unable to build a strong case for the contrary.

Yet, this does not detract from the real value of this work. To repeat, this study should be taken for its informative value. Of course as a survey of a vast topic it can only touch upon many important questions (for example, the actual mechanisms of investments or fiscal issues). Still, this is an excellent introduction to this complex subject. One may regret that certain data are a bit old or that references are not always as complete as they might be (a real limitation for a book that ought to serve as a base for more in-depth study of particular areas). But on the whole this text is an important one: there was a need for a comprehensive and well-organized survey of foreign investment in the United States. And Fry has done this well.

RENATO MAZZOLINI
Columbia University

Civil Rights and the Crisis of Liberalism: The Democratic Party 1945–1976 *by John Frederick Martin. Boulder, Colo., Westview Press, 1979. 267 pp. $22.50.*

For those who have been wondering what happened to the liberal Democratic party that was so buoyantly self-confident and triumphant only a decade and a half ago, this book offers an explanation. And it is one that holds out little hope for an early liberal revival.

Beginning with Harry Truman's civil-rights program and continuing with the 1948 platform fight over civil rights, the liberals who controlled the Democratic party shifted the focus of their concern from the plight of the average dispossessed American, which it had been under the New Deal, to the special plight of a particular long-suffering minority—the blacks. To solve their problem, the liberals had to use federal power and to use it on behalf of one element of the New Deal coalition against other elements, ultimately in the form of "forced" busing, affirmative action, and housing integration—"against a wholly new enemy, the people—their prejudice, their choice of schools and neighborhoods." "An awkward villain for a democratic government," adds author John Frederick Martin, "and an untenable one for the liberals" (p. 261).

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Moreover, when liberalism moved, under Lyndon Johnson, from an emphasis on rights to one on outcomes, it exposed a problem it could not solve—the massive deprivation of the geographically, economically, and culturally isolated black slums. This made still more enemies, among both those who condemned the meagerness of the programs offered and those "who wanted the problem left alone" (p. 192).

Finally, the programs turned out to have technical flaws. Eventually, liberalism had virtually no friends at all; the liberals "vanished" (p. 264).

Written by a young historian who was then still a Ph.D. candidate, this study is solid, always insightful, at times brilliant. The history of the postwar civil-rights struggle is vividly recounted, the characters sharply and penetratingly sketched.

It is marred, however, by an unbalanced use of sources. The Senate civil-rights battles of the 1950s, for instance, are seen only through Lyndon Johnson's eyes, via Evans and Novak, making Johnson almost the sole actor when there were in fact many. Much of the Kennedy period comes from Schlesinger's book, with Sorensen's unused. The author relies heavily for anecdotal material, as well as for interpretations, on half-a-dozen interviews; Joseph Rauh (interview cited twelve times), James Rowe (ten), and Cortney Pace are superb sources but still not totally representative of their respective groups. Overreliance on selected sources leads the author into outright error, too, as when he attributes the famous civil-rights strategy memorandum given Truman in 1947 solely to Rowe and even places Rowe on Truman's staff (p. 79). (Clark Clifford, who *was* on the president's staff, revised and amplified Rowe's draft, signed it, and transmitted it to Truman.) In these circumstances, the reader cannot fully trust the self-assurance with which the author tells us how "most liberals" (p. 215) or "the bulk of liberals" (p. 216) think and feel.

But this is a book of interpretation. Other historians, as they mine more and different sources, will refine the interpretation. Yet Martin's basic analysis will, I am confident, be sustained.

In emphasizing interpretation, the author has let the details suffer. Persons are often unidentified, secondary sources cited for primary data, and facts presented obscurely, even carelessly. Joseph Clark is introduced, for instance, as a governor of Pennsylvania (p. 84) and placed in the Senate prematurely in 1955 (p. 120).

Finally, once again a complaint about publishers. Why do they continue to insist on making footnotes inaccessible to any reader who does not memorize the number of the chapter being read?

JAMES L. SUNDQUIST
The Brookings Institution

Ideological Coalitions in Congress *by Jerrold E. Schneider. Westport, Conn., Greenwood Press, 1979. 270 pp. $22.50.*

It has been over two decades since Duncan MacRae's pioneering study *Dimensions of Congressional Voting* first appeared. Since that time, numerous scholars have made significant contributions to the literature on congressional roll-call voting behavior, and

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Jerrold Schneider's study is a welcomed addition. Learning from the methodological problems that were recognized in earlier works, Schneider's analysis appears to compensate for the many problems inherent in inferences drawn by quantifying roll-call votes to explain legislative behavior.

The analysis begins by developing Converse's formal construction of the concept of ideology, reviewing the concept of pluralism, and relating both to the concept of congressional coalitions; Schneider's goal is to "resolve empirically the dispute between the ideological and pluralist theories of congressional coalitions and cleavages" (p. 33). Using what he terms the "policy-cut points" procedure, Schneider measures a congressman's "for or against" position on specific policy questions in order to develop dimensions of liberal or conservative ideologies. Isolating as a first test the foreign-policy area, Schneider concludes "that there were definite, seemingly distinct, foreign policy ideologies in the Congress. . . . one ideology is basically liberal, and one is basically conservative" (p. 63). Having noted that distinct ideologies do exist in the Congress, Schneider introduces a new method of measuring cluster blocs—using a modified technique of pair wise comparisons of legislative votes bill by bill—and ranks senators and congressmen according to their percentage liberalism index scores in the areas of foreign policy, race, civil liberties, democratic principles, and economic policy.

Putting the pluralist and ideological theories of congressional coalitions to test, Schneider finds that at least for the period between 1971 and 1976 ideological theory explains congressional voting behavior, and a single "Left-Right" dimension is characteristic of congressional voting, not only for individual policy areas but also uniformally linked across all these areas. "The most direct implication of this finding is that one can validly and reliably refer to clusters of congressmen and senators in terms of the ideological labels which they apply to themselves, and . . . are often applied to them by the Washington Press corps. . . . This in turn allows . . . congressional and indeed governmental outcomes to be explained by reference to the ideological balance of forces in Congress" (p. 147). In light of these findings Schneider rightfully concludes that due to the "new politics of resource constraints" facing both the Congress and the nation, the ideological coalition dominating the legislature from 1971 to 1976 will indeed refine itself and become more pronounced over the next decade.

In conclusion, Schneider's work is not just another study giving us another time-bound view of congressional coalitions and voting behavior. Instead, it is a significant and timely critique of the problems facing a changing America, and it offers invaluable insights for understanding how our leaders will deal with these issues in the 1980s. To the serious student of legislative behavior, this new addition to the literature is an absolute must.

RALPH DA COSTA NUNES
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Promise and Performance: Carter Builds a New Administration *by Bruce Adams and Kathryn Kavanagh-Baran. Lexington, Mass., D.C. Heath and Company, 1979. 202 pp. $19.95.*

In 1977 Common Cause published the first of its two-part study of the confirmation and appointment process—*The Senate Rubberstamp Machine: A Common Cause Case Study of the U.S. Senate's Confirmation Process.* In their latest publication, Common Cause evaluates President-elect Carter on the basis of procedure and quality of personnel appointments in his administration (White House staff, cabinet, subcabinet, regulatory agencies, ambassadors, and General Service Administration). The authors believe that their study will assist future chief executives in making the best possible personnel selections and increase public scrutiny and dialogue about the appointment process.

The book provides an extremely valuable guide to the background and organization of President Carter's appointment process. While little of the information is new (readers of the *National Journal*, for example, would find the book less useful), the authors have assembled a remarkably handy volume for learning "who did what" in the early days of the Carter presidency. Actually, the authors begin their analysis with Carter's unprecedented step of approving a policy-planning group *before* the July 1976 Democratic convention. Headed by Jack Watson, this Atlanta policy-planning group prepared for an orderly transition in government by writing substantive legislative proposals and budget breakdowns for national health insurance, housing and welfare reform, defense policy, government reorganization, poverty programs, and child development. In addition, a personnel-selection team "prepared job profiles and initiated a preliminary, and somewhat hampered talent hunt" (p. 11). The Watson personnel-selection group encountered many problems, primary among which was its relationship with the more formalized, federally funded talent inventory project (TIP). Moreover, because Watson's group never really got into the mainstream or "political side" of Carter's election drive, the postelection period involved several personal power struggles.

The reader will learn quite a bit here about the inside jockeying between Jack Watson and Hamilton Jordan for supremacy in the postelection selection process—a battle easily won by Jordan. "It is almost impossible to review the personnel process during the transition without an understanding of the wrestling that went on within the ranks of the Carter loyalists" (p. 21). Watson resented Jordan's infringement into the ongoing process; Jordan believed that Watson's staff lacked political judgment. The authors conclude that "the Watson-Jordan power struggle had cost the transition valuable time. Much of the work done by Watson's group during the election would be done again, causing further confusion and delays. But this time the crucial elements of politics, which had been largely ignored in the original program, would be added to the appointments process" (p. 23).

The authors believe that this concept of a preelection unit (while lacking political direction from the Carter campaign staff) still serves as a useful model for future nonincumbent presidential nominees (p. 177). Along these lines, Adams and Kavanagh-Baran recommend that Congress amend the Presidential Transition Act so that candidates who qualify for federal financing could receive funds for transition planning *during* the general election. Curiously, the authors do not discuss the important transition role played by the Office of Management and Budget (OMB) or the relationship between

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OMB and a preelection unit. OMB has traditionally displayed an institutional capacity for socializing incoming administrations on the relationship between ongoing and proposed legislation.

The authors criticize President Carter for failing "to give real direction to his transition planners" (p. 28); TIP, without direction from above, lacked focus and organization in its work. "What began as a novel and very positive concept quickly became bogged down in the amount of material it had to handle, as well as in personality differences" (p. 29). Who was to blame? Carter's failure as a manager, Watson and Jordan's inability to "rise above their private warfare," TIP's inability to establish priorities, and Carter's decision to delegate subcabinet appointments to his cabinet secretaries thus undermined TIP's previous efforts. The authors conclude that while TIP was a good idea, "as with so many of Jimmy Carter's best ideas, he and his people proved unable to implement it effectively" (p. 30).

In subsequent chapters the authors analyze the appointments process in a variety of federal units. In an interesting chapter on subcabinet appointments, the authors focus on President Carter's surprising decision to delegate responsibility to his cabinet officers for filling the top management positions in their departments. The chapter provides a great deal of information about how HEW Secretary Joseph Califano developed an elaborate talent search operation independent of TIP. The authors also show that Carter was influenced by Stephen Hess's *Organizing the Presidency* (Brookings, 1976)— which argued that presidents should free themselves for political decisions by delegating managerial responsibilities. Surprisingly, the authors do not cite Richard Nathan's *The Administrative Presidency* (John Wiley, 1975) for another perspective.

Overall, Adams and Kavanagh-Baran give Carter mixed reviews for his appointments. The president is credited for personally committing himself to the preelection and preinaugural planning; the open and deliberative process for selecting both the vice-president and cabinet; his *efforts* to hire more women and minorities; his use of advisory commissions; and his establishment of tough conflict-of-interest guidelines. Carter's shortcomings included his failure to turn the talent search into an effective presidential tool so that a significant number of women and minorities could actually be appointed positions; "his failure to maintain real oversight and authority in the selection of the subcabinet, undercutting his political and affirmative action goals; his failure to establish a coordinated and professional personnel operation in the White House and his excessive reliance on one person, Hamilton Jordan, in the critical early months; his appointment of inexperienced White House staff, causing him numerous political problems and unnecessary setbacks; his failure to wrest district court judgeships from Senate control, leaving many judicial appointments to politics as usual" (pp. 186–87).

The authors conclude that regardless of Carter's good intentions, the president's "performance in the appointments field during his first two years in office has failed to meet the expectations he created. Perhaps this was inevitable, especially from one who promised so much. Nevertheless, Carter's failures are disappointing and deserve analysis so that they may be avoided in the future" (p. 175). Just what are these failures? Carter did not understand that the "rhetoric of management" would not substitute for hard work and careful planning: "Carter lost control of the process by not establishing an institutional framework to serve his interests and goals in filling the hundreds of important jobs

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to which he could not devote his personal attention. The results were predictable: confusion and delay, a failure to meet affirmative action goals, and a series of political mistakes that undermined the president's credibility" (p. 176).

While the president has now professionalized the White House personnel operation, the authors believe it is too late to help Carter. "By failing to carry out the promise of the talent inventory program in the transition and in the early months, Carter missed an important opportunity to institutionalize reform and leave a truly impressive legacy for the history of the development of presidential personnel selection" (p. 187). Let me conclude by saying only that one need not be a Carter apologist to realize that hindsight provides such a wonderful perspective. This is a useful information book, but it is also a damned-if-you-do-or-don't book—full of nonanalytic criteria for evaluating personnel procedures. There is no way to guarantee the best people will be selected or, if selected, work well on the job. Carter, by past standards, has done better than most.

LARRY BERMAN
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The Past and Future of Presidential Debates *edited by Austin Ranney. Washington, D.C., American Enterprise Institute for Public Policy Research, 1979. 226 pp. $5.75.*

This volume is a well-rounded effort at raising and exploring important political questions surrounding the two presidential debates held in 1960 and 1976. The television confrontations between presidential candidates Kennedy and Nixon and later candidates Ford and Carter are analyzed in individual articles by academicians, journalists, and practitioners. Subsequently, each article and the public-policy questions it raised are discussed by the entire panel of contributors. Considering the range of professional background and methods used, there is an unexpectedly low level of jarring stylistic differences that are usually associated with similar conference products.

The approach of the book is to explore the dimensions and implications of presidential debates by presenting findings about the direct effects on individual voters (Chaffee and Dennis), by analyzing the effects of television on mediating institutions such as the political parties (Kirkpatrick, Polsby), by examining government regulations that might impede the spread of the debate format (Zapple), and by evaluating the strategic impact of the debates from a campaigner's perspective (Cheney; Lesher with Caddell and Rafshoon). In addition, articles are included that deal with the structures and format of the debates, strategic problems, and the roles of journalists in the process (Germond and Witcover), and one that is a clear plea for the outright institutionalization (by law) of presidential debates (Karayn).

Fortunately, Austin Ranney has assembled a series of articles that challenge each other sufficiently so that the overall impact is not merely a cheerleading exercise for mandatory debates in the future. There are differences of opinion among the authors who probe matters of format, process, and the specific end results of the debates. For example, although Stephen Chaffee and Jack Dennis found that the measurable "debate effect"

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on viewers' eventual voting behavior was very small (a shift of slightly more than 1 percent), they nevertheless concluded that the debates were still valuable because they raised the information level of viewers significantly and increased the confidence of the same viewers in American political institutions as a whole.

On the other hand, Evron Kirkpatrick and Nelson Polsby offer major reservations about the nature of the political costs and benefits of these media debates. Both point to the weakening of the political parties as a direct result of the extension of the role of television journalism—of which the debates are a part—in the electoral process. Kirkpatrick points to the weakening of party structure in general and the loss of party control of the presidential nomination in particular as a result of intraparty rules changes plus a tremendous growth in the influence of the mass media in the election process.

Having so opened the range of the discussion to the long-term structural effects of television, the question to be probed by the next panel of election experts is what are the direct (and indirect) effects of television debates between candidates in the presidential primaries as well. While *The Past and Future of Presidential Debates* raises more questions than it provides answers, that seems to be its aim. The book is a sound addition to the literature linking the mass media to American elections and is worthy of a wide readership.

RICHARD L. RUBIN
Swarthmore College

Geography of Elections *by Peter J. Taylor and R. J. Johnston. New York, Holmes and Meier Publishers, Inc., 1979. 528 pp. $37.50.*

The theme of this book is a simple one: "Elections are fought in places" (p. 331). This is not a neglected perspective on elections, as the large body of scholarship reviewed in this study shows. But Taylor and Johnston argue that political scientists and sociologists can profit by studying voting from what they call a "geographical bias."

The book has three main purposes, two of which are essentially descriptive. First, it catalogues and illustrates concepts and techniques in the study of electoral geography. Readers are given terse but useful explanations of a variety of electoral systems. A nontechnical description and illustration of the use of such tools as regression, factor analysis, and survey sampling is lucid though necessarily incomplete.

Second, the book inventories the major research questions and theoretical perspectives in electoral geography. Here the reader is led through scores of studies on various topics, although the criteria by which studies were chosen for review is sometimes unclear. One reason for this, as the authors note, may be that much of this research lacked a theoretical framework. As a partial remedy, they employ Stein Rokkan's work on critical cleavages and party systems to draw together a variety of isolated research on the geography of party support.

Two chapters are devoted to spatial factors that affect individual voter's choice. One chapter focuses on how political socialization is affected by locational variables (sub-

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sumed under the title of "neighborhood effects"). The other examines the traditional political science topics of campaigns and voter decision making. Included is an interesting treatment of the strategic choices parties must make in deciding which constituencies to contest and which to concede.

The third purpose of *Geography of Elections* is to explicate the political implications of electoral systems. The authors begin with a nicely organized discussion of how malapportionment and gerrymandering give certain electors more power than others. This is the area of much of the authors' own published research, and they are at their best in demonstrating why reforms aimed at both types of electoral abuse are often ineffective.

Finally, Taylor and Johnston explore the links between the type of electoral system (whether plurality, proportional representation, or some variant of these) and the political character of the government. Although certain values may be better served by one system than another (for example, widely dispersed minorities are more likely to be represented under proportional systems), the authors believe that the system of elections does not predetermine the patterns of power in the government. Proportional representation, they note, has produced both unstable, fragmented governments and long-lived, effective minority governments. The wider social structure is a more important determinant, and society must first specify what it wants from elections: popular control of policy, competent trustees, attentive ombudsmen, or something else. "Because of the multi-functional role of elections, there can be no single, simple answer as to what is the best electoral system" (p. 486).

Taylor and Johnston have completely illuminated significant questions in electoral analysis. At points one wishes, however, that they had offered more theory of their own. Modern societies continue to undergo rapid change in living patterns, transportation, and communication. One effect of these changes may be a decline of place-specific voting. As the authors point out, "most constituencies are simply administratively convenient territorial divisions and nothing more" (p. 452). But neither their review of studies of the "nationalization" of politics nor their brief treatment of this topic in the concluding chapter is as penetrating as it might be. As political geographers, they are entitled to broader swipes than they take.

Such criticism points only to missed opportunities and not to flaws in what the authors have done. *Geography of Elections* provides a look at a familiar topic from a less-familiar perspective and in so doing organizes a great deal of scholarship not ordinarily seen by American political scientists.

SCOTT KEETER
Livingston College, Rutgers University

From Brown to Bakke: The Supreme Court and School Integration: 1954–1978 *by J. Harvie Wilkinson III. New York, Oxford University Press, 1979. 368 pp. $17.95.*

J. Harvie Wilkinson, a former law clerk to Justice Powell, has taught constitutional law at the University of Virginia and is the editor of the Norfolk *Virginian-Pilot*. His volume, in which Justice Powell is a kind of hero (*Bakke*), is written at a time when conservatives

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are highly critical of the activist Court, espouse majority rule and majority definition of its own rights, emphasize lawyers' rules for interpreting legal documents, which is all they regard the Constitution to be, and insist on history as a determinant of constitutional interpretation.

The only thing Wilkinson has in common with the conservatives is a severely critical attitude toward the Court's role. He has a passion for racial justice and has written a fine book with pace and verve, full of mostly sound judgments and replete with analyses. His scholarship ranges beyond constitutional law to include all the varied social sciences whose writers have commented on *Brown* and what has come in its train. There are some 1,320 footnotes—unfortunately placed at the end of the book. His volume is a nice supplement to Kluger's *Simple Justice* and opens a wide-angle lens on a subject Raoul Berger's cramped focus has distorted.

Wilkinson begins his survey with the history of the Court's subversion of the Civil War amendments and condemns it. "Moments come when the Court must seize hold of principle." He notes that later *Brown* "lifted from the Court the burden of its history" (p. 23). The trouble is that *Brown* did not avow and then foreswear the Court's complicity in the emasculation of the Fourteenth Amendment, but dealt narrowly with the questions of education in its search of history, forcing the Court to place its decision on the harm done by segregation in education only. The Court took the question out of context, thus failing to educate the public for the inevitable controversy and developments which followed *Brown.* This reviewer directed the research for the NAACP in answer to the Court's questions in *Brown I.* Wilkinson's observations are a source of great satisfaction.

One must also agree with the author's general framework: that the Court's responsibility was to so enforce its decision that schools would be desegregated and integrated in a meaningful fashion. Before such a responsibility for social management, the immediate moral imperatives, the letter of the law, and obedience to the requirements of the judicial way of doing things must in some degree bend.

On the other hand, when the book is considered in toto, the overall sweep of the author's criticism is so broad that one suspects the epilogue was added for balance. He charges that the Court: invited delaying tactics by *Brown II*; left district judges exposed by remanding without guidelines; "hibernated" for ten years after *Brown* until *Griffin* in 1964, except when directly challenged in Little Rock (*Cooper*); did almost nothing for two years after *Green*, only to act in unseemly haste and harshness when it did act (*Alexander* and *Carter)* (p. 126); failed to instruct lower courts (p. 127); badly understood what the social sciences could contribute; and switched from applying gradual plans designed to insure permanent, meaningful integration to requiring the mass assignment of students wherever a dual school system had in any respect been engineered by a school district. In most cases the latter resulted in re-segregation without constitutional fault on the part of the school district involved. From merely making pronouncements, the Court moved to issuing or approving detailed plans and extensive interference in the affairs of local school boards. It then reversed this line of action by finding school lines that constitutional guilt could not cross (*Milliken*) and by finding no state responsibility for unequal local school financing (*Rodriguez*).

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It does appear that after a period of slashing attack on school segregation, the Court has rid itself through the concept of constitutional fault of most of the litigation after the *Brown* decision; meanwhile public schools re-segregate. Yet, the Court alone through *Brown* set in motion litigation, legislation, and executive and political actions that have brought America from being the second worst nation in matters of race to perhaps the best (p. 45). The author is too severe. The court had first to dampen the revolt of the rural, white-dominated southern states that joined the opponents of the Court's civil liberties decisions to foster a constitutional amendment which would strip the Court of its powers. *Reynolds* v. *Sims* was decided in 1964, and the battle of the injunctions to reorganize state legislatures and thus forestall constitutional amendments to cripple the Court was barely in time. The Court stood relatively alone until it was joined by the president at Little Rock and the Congress in the Civil Rights Act of 1964. So much for the fumbling during the first ten years! The Civil Rights Act (II and VI) and Elementary and Secondary Education Act (1965) brought HEW into the desegregation battle with its guidelines. Black and white revolt was abroad in the nation. So much for the Court's movement from gradual to mass desegregation with comprehensive guidelines! Re-segregation of the central cities, especially in the North, was in good part a function of the mass migration of blacks who had been thrown off farms by federal agricultural policy.

Dissatisfaction with the Court from the Right should not be met with equal dissatisfaction from the Left. Our Court, a peculiar governmental institution, has worked better since the election of Franklin Roosevelt than it did in the past.

JOHN A. DAVIS
City College, City University of New York

Catholics and American Politics *by Mary T. Hanna. Cambridge, Harvard University Press, 1979. 262 pp. $15.00.*

This study conceptualizes American Catholics as a political interest group and seeks to analyze the internal and external politics of the group. It begins by focusing on the leadership of the Catholic community. The author identifies two groups of leaders—elites in the institutional church and Catholic politicians—and interviews a small sample of each. Her next chapter explores the attitudes of the membership of the group—American Catholics whose opinions on a wide variety of issues have been sampled by the National Opinion Research Center of the University of Chicago and are presented in this volume. Hanna follows with a description and analysis of the efforts by the Catholic leadership to unify their own group and to win the support of non-Catholics in their campaign against abortion. The author uses the abortion issue as a case study to illustrate both the internal and external politics of the group. The concluding chapter analyzes, in broad strokes, the influence of Catholics in the American political system.

Unfortunately, the book is uneven in its treatment of the subject matter. The section on the leadership in the church proved disappointing because the author failed to address

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the issue of who makes up its leadership. Most of her interviewees were individuals who held positions in organizations that represent various Catholic factions rather than clergy who hold major offices in the hierarchy (for example, bishops). The author's failure to justify this definition of church leadership makes it difficult for one to accept her conclusion that the present church leadership has resulted "in a generally more liberal and certainly a politically and socially more active Church" (p. 47). On the other hand, the section on Catholic mass opinion is more skillfully handled and provides interesting findings on Catholic attitudes toward economic liberalism, civil liberties, racial problems, and lifestyle issues.

Even more importantly, the study seldom rises above the level of description. The central theme of the book is never clarified. The reader does not know what the author is trying to explain. In the first chapter, Hanna states that her study is guided by David Truman's classic group-theory framework. Although she uses many of his concepts, she never uses them, as he did, to *explain* aspects of the political system. For example, Truman focused on the dynamic relationships between leaders and members in studying the internal politics of a group; his framework sought to explain how a few leaders could maintain control or how overlapping group memberships enabled the mass to constrain somewhat elite behavior. Hanna, on the other hand, never addresses such questions; her study remains at the level of noting similarities and differences in elite and mass attitudes.

In view of the events and changes that have shaken the American Catholic community in the past two decades and the importance of that community in our political system, the time is certainly propitious for a study of this interest group. Hanna's book serves as an introduction; future students of the political behavior of American Catholics will find many of her findings useful and suggestive. They will, however, need to take a further step and place the data in a theoretical context.

STEPHEN M. DAVID
Fordham University

Black Detroit and the Rise of the UAW *by August Meier and Elliot Rudwick. New York, Oxford University Press, 1979. 289 pp. $15.00.*

This splendid, perceptive book details—in its authors' words—the "increasingly rich and complex account of the transformation in the relations between the black community and organized labor in a major industrial city" (p. viii). Meier and Rudwick, in their usual thorough and energetic fashion, recount how between 1937 and 1943 the sentiment of Detroit's black community shifted from being promanagement in the case of the automobile industry to being pro-United Auto Workers, how the UAW and certain black leaders helped to foster that shift, and how both the UAW and the black community benefited from it.

The alliance between Detroit's black community and the UAW, which had been achieved by the mid-1940s, was not easily forged. Prior to the appearance of the UAW, there had been little but antipathy between Detroit's blacks and organized labor. Initially, the fledgling UAW—as the authors demonstrate quite convincingly—suffered from the

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antiunion attitudes prevalent among Detroit's blacks. This attitude was quite understandable, given the well-known racism of the white auto workers, the jim crow policies of organized labor at that time, and the somewhat benevolent approach of the automobile industry to the black community, especially Henry Ford's hiring policies and philanthropic gestures. As Meier and Rudwick point out, blacks played a "negligible" role in the UAW's great organizing drives of the 1930s, and even as late as 1941 during the strike against Ford, blacks at first were active strikebreakers, and only ultimately won over by the combined efforts of black and union leaders to a policy of "hesitant neutrality."

The scope of the book is limited to the years 1937–43, during which period, according to the authors, emerged "the close political alliance between black Detroit and the UAW that would remain an important feature of Michigan's political landscape for years" (p. 205). In describing black-UAW relations during those years Meier and Rudwick present a detailed picture of the UAW, warts and all. The UAW leadership is praised for its intensive efforts to achieve a fair deal for black auto workers on the assembly line and in the union hall as well as in the community at large. But Meier and Rudwick do not gloss over the blatant and increasing racism that marked the attitudes of much of the UAW membership—a racism that helped to spark the Detroit race riot of 1943, one of the nation's worst such conflagrations.

Nor do the authors ignore the fact that in a democratically run union such as the UAW it is difficult for an enlightened leadership to advocate points of view more socially advanced than the membership is willing to accept. UAW leaders reacted strongly, in so far as they were able to do so, against the mistreatment of black members by either management or white unionists. But sometimes the reaction had to be less than forthright. During the early days of World War II when the UAW was confronted with wildcat "hate-strikes" by white auto workers who walked out in protest against the hiring or advancement of blacks, the union's president, R. J. Thomas, found he could not confront the situation directly. Thomas found it necessary to press "government agencies to take decisive, even punitive actions, which he could then vigorously support" (p. 171).

In documenting such developments, in making use of a wide variety of sources ranging from documents to extensive oral history interviews to set straight historical inaccuracies (such as NAACP Executive Secretary Walter White's somewhat exaggerated account of his role in dealing with black workers during the 1941 Ford strike), and generally in detailing and analyzing the hitherto but sketchily known relationships between the UAW and Detroit blacks, Meier and Rudwick have made a significant historical contribution. In my opinion too much emphasis is given to the NAACP, too little to the black workers themselves or to the Communists (the lengthy footnote on pp. 211–12 does not seem to explain entirely the authors' response to the Communists), and more than just a hint should have been given about the future breakdown of the alliance. But these, admittedly, are minor caveats. Meier and Rudwick have fashioned a work that is a must for anyone interested in any aspect of the subjects covered.

DANIEL J. LEAB
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International Conflict in an American City: Boston's Irish, Italians, and Jews, 1935–1944 *by John F. Stack, Jr. Westport, Conn., Greenwood Press, 1979. 181 pp. $22.50.*

Focusing upon ethnic conflict in Boston, John F. Stack, Jr., takes issue with the state-centric model of global politics. International relations, he contends, have been shaped by "a patchwork of actors" that includes ethnic groups. Holding that "ethnicity transcends the boundaries of states," Stack argues that ethnic groups are "directly involved in world politics"(p. 3).

In documenting this hypothesis, Stack examines ethnic antagonisms in Boston from 1935 to 1944, a period of sharply escalating intergroup conflict. Collisions between one ethnic group and another, he argues, can be largely attributed to events abroad. Italian-Americans, for instance, celebrated Mussolini's invasion of Ethiopia, while the city's Afro-Americans denounced Il Duce's aggression. As a result, both groups experienced a greater sense of their own identity. Both eyed each other with animosity. Similarly, Irish-American nationalism in Boston was kindled by developments outside the United States. Angered by anticlericalism in Mexico, hostile toward the Loyalists in Spain, and sympathetic with Hitler's version of anticommunism, the city's Irish developed an acute sense of group identity and became stridently anti-Semitic. While the Irish preferred fascism to communism, lionized Father Charles E. Coughlin and his Judophobic Christian Front, and committed a number of anti-Semitic acts, the city's Jewish neighborhoods rallied to Zionism and developed an antipathy toward the city's Irish.

Foreign developments not only complicated the delicate urban ethnic balance but also shaped political behavior. While Jews championed an internationalist foreign policy and liberal social programs at home, the Irish embraced isolationism and became increasingly chary of the New Deal. Italians, meanwhile, deserted Roosevelt not only because they were skeptical of New Deal liberalism, but because they were angered by the president's efforts to thwart Mussolini.

Unfortunately, there are difficulties with Stack's study that undermine the virtues of his assiduous research and some thoughtful comments about the workings of ethnicity. The argument that America's ethnics have transnational political responses is worth making and is unassailable—so unassailable, however, that the book comes perilously close to merely stating the obvious. In addition, one suspects that class affiliation had greater significance than the author acknowledges: Stack would have been more persuasive had he drawn careful distinctions between South Boston and Charlestown (a section he omits) on the one hand and lace-curtain Dorchester and selected census tracts of Roxbury on the other. This surprising absence of careful sociopolitical analysis carries over into Stack's depiction of the Irish "we" (ghettoized, withdrawn, bitter) and the Yankee "they" (affluent, open-minded, internationalist), a portrait that many will find overdrawn. While Stack has disinterred some marvelous letters from Boston's plain people, he also exhibits a tendency to take statements by leaders—Cardinal O'Connell, for example—and then imply that the masses concurred. Poll data, on the other hand, suggest that a majority of Catholic laymen did not agree with the hierarchy on any number of foreign-policy issues during the 1930s.

Although domestic affairs are outside the scope of the book, their almost total absence

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is disturbing. Had attention also been given to local, state, and national issues, the reader could feel more confident about political motivations in the city's neighborhoods. What happened, for instance, when a jobless resident of South Boston was grateful for a WPA (Work Progress Administration) paycheck, enjoyed his new apartment in a federal housing project, but disliked his government's posture toward England? Since 76.5 percent of the South Boston vote went to Roosevelt in 1940, the answer would appear to be that political sentiments were shaped by more than international conflict.

Stack has made a case that events abroad and ethnicity are intertwined, that both are important in forging political behavior. With this proposition one cannot argue. This is not, however, all that matters.

CHARLES H. TROUT
Mount Holyoke College

Nuclear Power and the Public Safety: A Study in Regulation *by Elizabeth S. Rolph. Lexington, Mass., Lexington Books, 1979. 213 pp. $17.95.*

Elizabeth Rolph's case study of the U.S. Atomic Energy Commission (AEC) is not only an excellent overview of the political history of the AEC from its creation in 1946 until its demise in 1974, but also offers some valuable insights into the politics of regulatory policymaking. Rolph argues that although regulation involves the use of scientific and technical expertise, it also involves trade-offs between conflicting values and "is, of necessity, a *political process*" (p. 3). While scientists may sometimes be able to estimate the risks involved in the use of a particular technology, they cannot determine what level of risk is "acceptable" to the public, since such choices concerning safety involve "subjective value judgments" (p. 116). Thus regulatory decisions should not only be based upon sound technical information, but should also reflect "substantial political sensitivity" to public attitudes (p. 6), if the public is to have confidence in the impartiality and competence of the regulators. Yet the AEC eventually fell short on both counts. Using the administrative discretion delegated to it by Congress, the commission began routinely licensing commercial nuclear power plants in the 1950s with more concern for promoting the development of nuclear power than with regulating its safety. Participation in regulatory decision making was restricted to a handful of supposed "experts" who became quite sympathetic to the industry itself, following a now-familiar pattern among regulatory agencies. The lack of criticism from Congress or the general public enabled the AEC to maintain such a posture throughout the 1950s and into the late 1960s.

By the 1970s, however, with the coming of the environmental movement, the passage of new environmental legislation, rising public distrust of government, and growing construction delays and economic problems within the nuclear industry itself, the situation began to change dramatically. Intervention by outside interest groups in the reactor licensing process became more frequent, and unresolved safety issues long ignored by the AEC were brought to light. In the development of the Navy's nuclear submarine program, Admiral Rickover pursued a slower, more deliberate "quality control" strategy of

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testing a relatively simple, reliable, standardized reactor design, accumulating data on its operating experience, and then using that data to make needed design changes to limit the probability of accidents. The AEC, however, chose not to develop an independent safety research capability of its own, deferred to the industry, and simply followed a policy that it thought would limit the probability of accidents—although neither the AEC nor the industry had any reliable information on the probability that accidents would occur. Attempts by AEC Chairman James Schlesinger after 1971 to restore the commission's tarnished image came too late to forestall Congress's reorganization of the AEC into the Nuclear Regulatory Commission (NRC).

As Rolph herself acknowledges, one may question the generalizability of some of her conclusions to other regulatory bodies. Moreover, although she suggests that regulatory agencies recognize their political role and be more "sensitive and responsive to the public will" (p. 116), she offers no guidance as to how they are to discover the public will and act accordingly. And the limited time frame of the study unfortunately precludes a full assessment of the performance of the AEC's successor, beyond Rolph's brief comment that the NRC's "basic approach" to safety issues remains largely unchanged (p. 155). But these minor shortcomings do not detract from the book's value for students of energy policy and the regulatory process, and the author's concluding assertion that the regulation of such high-risk technologies as nuclear power is "a field ripe for research and of great policy interest" (p. 163) seems unarguable.

JAMES R. TEMPLES
Bradley University

Policymaking for Social Security *by Martha Derthick. Washington, D.C., The Brookings Institution, 1979. 446 pp. Cloth, $17.95; paper, $6.95.*

This book is a descriptive analysis of the politics of the Old Age, Survivors, and Disability Insurance (OASDI) portion of Social Security legislation from the passage of the Social Security Act in 1935 to the current "crisis." Those who expect a thorough presentation of policy choices will not find it in this book nor was that the author's intent. The analysis is done in three steps, and the book is organized into four parts to facilitate this analysis.

In part I, Derthick notes that policymaking was notably absent of conflict and assumes this was not by chance. Executives in the Social Security Administration (SSA), called program executives by the author, appeared to be a major contributing factor. These program executives had long tenure with SSA, a proprietary attitude toward the program, and a deep commitment to the development of a comprehensive social-security system. Their expansion policies prevailed with manipulation, primarily in the form of persuasion, and adaptation to the external environment in the form of incrementalism.

Certain institutional and structural arrangements reenforced the consensual model preferred by the program executives. Congress had the means to limit conflict—deferral to committees where differences were resolved before proposals were submitted to the main bodies and a closed rule in the House that limited discussion and debate. The trust fund made the Social Security budget immune to budgetary action. Few government

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organizations were interested in social security or were competitive with SSA. Members of the Advisory Council were co-opted by the program executives, and other outside groups showed little interest after the passage of the bill. Policy was made by a few autonomous participants from SSA, organized labor, and the House Ways and Means Committee working in close collaboration. The program executives played a leading "specialist" role.

In part II, Derthick looks further for an explanation of the low level of conflict by examining the properties of the program that appeared to be politically relevant. It was a popular program with many compromises and ambiguities that made it difficult for those without specialized knowledge to understand. Redistributive issues, actuarial techniques, guaranteed benefits, methods of financing, work incentives, self-reliance, and private savings were some of the confusing considerations that allowed the program executives to present proposals in a manner that was likely to be accepted by the public, elected officials, and diverse private interest groups (organized labor and business).

Part III analyzes the response of the policymaking system to three controversial issues—disability insurance, medicare, and a substantial increase in benefit levels—and weighs the influential role of the program executives and the importance of program characteristics. The 1972 increase in benefits, apparently viewed as a costless incremental change, was accomplished with little conflict; but the disability insurance and medicare proposals, perhaps viewed as costly and innovative, caused considerable debate. The debate centered on a boundary issue (the division between the public and private sectors), which Derthick feels produces more conflict than distributive issues (allocation of costs and benefits). Organized groups were pitted against each other, and this was a different experience for the program executives; the adoption of both bills required considerable compromise.

The author believes that incrementalism created a major innovation, a massive shift of resources to an uncontrollable program in the public sector. In part IV, Derthick speculates about the effect that rising costs will have on the policymaking system and feels that as cost becomes more visible, there is likely to be more conflict. She views this as desirable because it will assure that choices remain open.

There does appear to be more discussion and debate on Social Security legislation now, but not a careful examination of choices. Recent legislative proposals are in the direction of contraction of the less-popular portions of the program; for example, the proposal to reduce disability benefits. The premise that conflict keeps choices open is questionable. Many alternatives are not considered because those groups that would stand to benefit lack the expertise and political clout needed to participate in the policymaking process.

Those who are interested in how social policy is formed at the national level will find this book informative and relevant. It is a good longitudinal study with extensive use of primary source data. It should stimulate discussion and research.

DONA COOPER HAMILTON
Adelphi University

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Evaluating Federal Social Programs: An Uncertain Art *by Sar A. Levitan and Gregory Wurzburg. Kalamazoo, Mich., W. E. Upjohn Institute for Employment Research, 1979. 148 pp. Cloth, $5.50; paper, $3.50.*

For the reader interested in learning about the organization and management of federal social program evaluation in the legislative and executive branches, this is a valuable and useful book. Readers interested in learning about methods and techniques of evaluation should look to other sources.

The literature of evaluation is usually divided into two broad groups: pieces that focus on management and administration of the evaluation function; and pieces that focus on methods, indicators, and techniques. This book by Levitan and Wurzburg fits into the former category quite effectively. It is a lively critique of the art of social program evaluation: a critique with a slight sting. For example, in considering the advances recently made in developing new quantitative methodologies for evaluation and policy analysis the authors state "there is a surreal quality to these efforts as the social scientists attempt to improve, even more, their techniques for counting the number of angels that can dance on the head of a pin" (p. 6). Number crunchers, beware! You may be guilty of practicing "perverse positivism" (p. 7).

The authors examine federal institutional arrangements for doing evaluation because institutional factors influence "the purpose that evaluation serves, the way it is done, and the manner in which evaluation findings are incorporated into policy" (p. 40). In the legislative branch, they focus on congressional oversight, the committees, the Congressional Budget Office (CBO), the General Accounting Office (GAO), and the Congressional Research Service (CRS). In the executive branch, they consider primarily the Department of Health, Education, and Welfare and the Department of Labor because together they "comprise 70 percent of the approximately $140 million federal expenditure for social program evaluation in 1977" (p. 93).

These various organizational arrangements for evaluation are examined in relation to several very important issues: Should specialists or generalists conduct evaluations? Are quick and timely evaluations more effective than deliberate scholarly analyses? Should evaluators generate original data or use existing sources? Should recommendations be incremental or comprehensive? Should evaluation be conducted in-house or contracted out? The authors point out that in both branches of government, over the past decade, many evaluation units have chosen to contract out their actual evaluation work. As a result of this trend, many evaluation staff members spend much of their time "selecting, grooming, and monitoring contractors and consultants" (p. 104). For those of us involved in public-service education programs, perhaps we need to add a seminar on the care and feeding of contractors. In addition, the authors examine evaluation units in relation to four structural factors: organizational location; funding base; position and power of the people planning evaluation agendas; and channels for incorporating evaluation findings into policy. Their treatment, in general, is lively, readable, sometimes flip, and very informative. The discussion of the work of the CBO is, however, too brief and somewhat inaccurate. They state that CBO "has relied in its evaluation work exclusively on data already available from executive agencies, the General Accounting Office, or private sources" (p. 53). It is my understanding that CBO has been building in-house

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analytical capability that now enables the staff to generate its own data sets. Their excellent work on welfare reform is an example of this capability.

The authors conclude that most evaluations contribute only modestly and marginally, if at all, to decision making on policy and management of programs. Yet, to them, "evaluation remains necessary and helpful"(p. 138). To me, this book is necessary and helpful for those who want to know more about the management of evaluation and more about the limitations of evaluation as an art.

PATRICK J. HENNIGAN
Columbia University

The Process Is the Punishment: Handling Cases in a Lower Criminal Court *by Malcolm M. Feeley. New York, Russell Sage Foundation, 1979. 330 pp. $12.95.*

Many landmark cases in criminal justice during the Warren Court years were designed to guarantee to the poorest defendant due process, including a fair trial with the aid of an attorney paid by the state. It appears from the study on which this book is based that the overwhelming majority of the accused in lower criminal courts are rejecting the trial option, accepting the consequences of a guilty plea, forfeiting bail, paying a small fine, or otherwise extricating themselves as soon as possible from the clutches of the court.

This does not necessarily mean that justice is denied; nor does the small percentage of defendants who go to jail mean that the others escape punishment. Feeley argues that a kind of justice is the product of the lower criminal courts, but it is *substantive* justice based on a system of bargaining, compromise, and concern for the individual case, rather than *formal* justice based on a rule of law. He also concludes that the court process is a punishment in itself. Beginning with arrest—and proceeding through pretrial release efforts, determination of bail, obtaining an attorney, countless court appearances and continuances arranged for the convenience of the attorneys, and finally a plea based on the best deal that can be arranged—this process is so frustrating, confusing, and costly to defendants that few want to prolong it into a trial.

By studying some 1,600 cases in the New Haven, Connecticut Court of Common Pleas, Feeley attempts to show the type of justice dispensed by lower criminal courts. He reports that no defendants in his sample insisted on a trial by jury; only half of them obtained counsel; seemingly simple cases dragged out for months while many complex cases ended quickly with a guilty plea at arraignment; judges generally ratified a decision made by others rather than assessing facts or law; and those charged with felonies generally received the same type of sentences as those convicted for lesser misdemeanors (pp. 9–11).

Feeley concludes that this dreary picture of the lower courts cannot be attributed to a case overload. The problems, he maintains, stem from three factors: the organizational structure of the court as an open system, responsive to its environment; a concern for substantive justice in each individual case; and the cost of the process to the accused. He contends that since most participants in the court are "political" types, they are "com-

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fortable with compromise and informality" (p. 281). He feels that the justice dispensed in these courts reflects "a genuine concern with doing the right thing" (p. 285); it is individualized in each case, rather than following formal rules or consistently applying the same sanctions for similar offenses. Constitutional guarantees of a fair trial, even with counsel paid by the state, simply cost too much in time and effort for the average defendant, unless one's future career depends on the absence of a criminal conviction. Wages lost from work alone can outweigh the possible fine for a minor offense.

The book is not without flaws. Generalizations based on a study of one court must always be somewhat suspect, despite a diligent effort to link the findings to other studies. Efforts to apply quantitative analysis were less than completely successful. The book could be more tightly organized to avoid repetition and leave room for more discussion of possible reforms. Nevertheless, it is a worthwhile study if only for its emphasis on the punitive aspects of formal due process on those it was intended to protect—indigent defendants in the lower criminal courts.

JEAN BICKMORE WHITE
Weber State College

Schooled to Order: A Social History of Public Schooling in the United States *by David Nasaw. New York, Oxford University Press, 1979. 303 pp. $13.95.*

In recent years, the failings of the public school have received considerable attention in the popular and scholarly press. Historians of education have portrayed the public school as both a well-meaning but often insufficient agency for the promotion of social justice and as a purposeful instrument of elite malevolence and control. Its illiberal underpinnings have been boldly exposed and its hallowed place within the historiography of education questioned, criticized, and "revised."

Nasaw's book seeks to advance this line of argument. His thesis is clear and simple. The public school has been the central agency by which class stratification has been maintained in the United States despite continuing allegiance to democratic ideals. Whether in the mid-nineteenth-century effort to establish the common school, the early twentieth-century effort to develop a comprehensive high school, or the post-World War II effort to build a universal system of higher education, reformers and businessmen have worked together to socialize the poor and the newly arrived to an acceptance of the status quo and to develop the curricular and structural apparatus necessary to inculcate the attitudes, skills, and behaviors demanded by the economy. In other words, the programs of educational reformers from Horace Mann to the "master planners" of the post-World War II era, however different in appearance, have been at root the same. Their purpose has been political: to develop educational strategies as a alternative to more fundamental social and economic reform.

In two ways, Nasaw's approach to the history of public schooling is innovative. Had his effort to explicate the relationship between curricular change and structural school change and to place the history of schooling in social context been successful, *Schooled to Order* would have filled an important vacuum in the critical historiography of education. As it stands, however, Nasaw's evidence and methodology prevent him from fulfilling the

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potential of his approach. To deal adequately with curricular change one must inquire into teacher behavior, the physical layout of classrooms, and the other "realities" that mediate between the statements of purpose and textbook expositions Nasaw points to and the "actualities" of school life. To present the school in social context one must consider it as a part, one part, of the entire institutional fabric of society. Nasaw tries to do this. In discussing the rise of the common school, for example, he does point to related changes in the family and in the workshop. But the crucially significant changes in the church—on the one hand, legal disestablishment; on the other, ever increasing Evangelicalism—are not even mentioned. Nasaw's ability to develop the kind of contextual, "thick," social history we need seems to have been limited by his tendency to accept contemporary rhetoric as descriptive of reality. The social sources of the common school cannot be understood unless the commentaries of foreign travelers and the perorations of the "friends of education" (both heavily used by Nasaw) are analyzed with insights drawn from recent work in demographic trends, church history, women's studies, and the other fields relevant to a social history of education.

In yet another way, *Schooled to Order* falls short of the mark. As Nasaw points out, public schooling has indeed played a conserving function in American society, and its continuing expansion has been the common agenda of liberal reformers, academics, and representatives of the business community. But why has this been true? How was the political consensus that supported public schooling developed, and how has it been sustained and transformed through time? Why did educators such as Horace Mann, the Appleton brothers, and the Irish-Catholic clergy of Lowell, Massachusetts, all find cause to invest in schooling? Put differently, did turn-of-the-century advocates of vocational education such as Frank A. Vanderlip, John Dewey, and Nicholas Murray Butler see the same purpose in their common program? Where did their goals and their social aspirations overlap, and where did they diverge? Because Nasaw fails to scrutinize the ideas of the protagonists he mentions, and therefore misses the chance to deal with motivation sufficiently, he does not adequately address questions such as these. Rather, his book asserts an essentially simplistic class-based interpretation of public school history—an interpretation that is by now quite familiar—and does not support that interpretation with a convincing analysis of the dynamics involved in the politics of American education. We need such an analysis. We need a careful, critical social history of the public school. Unfortunately, Nasaw's book is not such a history.

ELLEN CONDLIFFE LAGEMANN
Teachers College, Columbia University

The New Deal and the Unemployed: The View from New York City *by Barbara Blumberg. Lewisburg, Pa., Bucknell University Press, 1979. 332 pp. $19.50.*

A voluminous historical literature on the New Deal already exists, but few books are devoted to an examination of the local operations of one New Deal agency. Blumberg provides a close look at the Works Progress Administration (WPA) in New York City and attempts to evaluate its impact on society.

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She describes fully the development and enactment of an unemployment relief program in New York with the bulk of the book concentrating on the WPA. In what is sometimes an excessive amount of detail, the author scrutinizes the workings of this agency. For example, Blumberg notes that WPA dentists "had filled one million cavities and pulled three hundred thousand teeth" for their adult patients by 1940 (p. 151). While unnecessary information does appear in a number of parts of the book, the author's penchant for factual detail also results in a complete account of various important topics. Using government records, personal interviews, and other valuable sources, Blumberg ably describes the formation and philosophy of the WPA, the role of Victor Ridder and Brehon Somervell in shaping the program as administrators of the New York City operation, and the impact that this agency had on the community.

It is this last point in particular that is of most importance in evaluating the New Deal approach to unemployment. The WPA was involved in a great deal of repair and renovation work as well as new construction in New York. The federal public works program that this agency engaged in provided not only jobs but was responsible for new roads, airports, health centers, playgrounds, and other community projects, all of which would not have been done without the WPA. As the author notes, the city was in better physical condition during the depression 1930s than it had been during the prosperous 1920s due to WPA. The white-collar projects also benefited the city. They provided New York with needed help in the form of clerical workers, teachers, librarians, health-service workers, artists, and actors. Blumberg does an excellent job in noting the assets of this agency.

She does not do as well in discussing the liabilities of the WPA, and this is one of the major faults of the book. The author is clearly favorable to the WPA, and although she examines its faults, problems, and mistakes, it is always in a defensive tone. At times Blumberg seems caught in the political and economic controversies of the 1930s with the result that she becomes an advocate of the WPA experiment. Her arguments in favor of the agency are certainly valid, and it is clear that the WPA accomplished much, but the other point of view needs more objective coverage.

The last chapter, which brings the unemployment relief issue up to the present and concludes the evaluation of the WPA's impact on society, provides a good discussion of the limitations of the New Deal philosophy and the attitude of society, then and now, toward the relief issue. The criticisms of the New Left historians are presented in this section. However, Blumberg again appears too eager to defend the Roosevelt record and the concept of unemployment relief. Perhaps due to a desire to answer the New Left historians, the author once more takes an advocate role.

Even with these shortcomings, this book is a valuable addition to the New Deal literature. It represents extensive research, provides one of the most detailed accounts of the local operations of a New Deal agency available, and offers many insights into the unemployment relief issue. The book is essential reading for those interested in the New Deal and its effects on American society.

RONALD H. BAYOR
Georgia Institute of Technology

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Morals and Markets: The Development of Life Insurance in the United States *by Viviana A. Rotman Zelizer. New York, Columbia University Press, 1979. 208 pp. $15.00.*

This study focuses on "the noneconomic aspects of economic behavior, using as an example the major cultural and ideological factors involved in the legitimation of life insurance" (p. xi). The social-historical problem the author confronts is the peculiar development of the life-insurance industry in the United States during the nineteenth century. Until about 1840, the industry stagnated for lack of popular acceptance. After 1840, the life-insurance industry entered a sudden boom period. The transition from nonacceptance to full acceptance in such a short period of time, the author claims, has never been adequately explained in the purely economic terms of most writers of insurance history.

Zelizer argues that while economic development, urbanization, expansion of the general purchasing power of the population, and the structural and financial stability of the life-insurance companies provided positive conditions for the dynamic transformation of the life-insurance industry, these can neither explain the disappointing beginnings of the industry nor its eventual rapid growth. Instead, Zelizer argues in favor of an explanation that takes into account changing cultural and ideological factors of the mid-nineteenth century. First, the author places the analysis within the context of "the struggle between fundamentalist and modernist religious outlooks"(p. 150). Life insurance was incompatible with literalist and fundamentalist religious mores, while the emerging modernist theology tended to legitimize the principles underlying the industry. "Thus, the financial evaluation of a man's life introduced by the industry was initially rejected . . . as a profanation which transformed the sacred event of death into a vulgar commodity. By the later part of the nineteenth century, the economic definition of the value of death finally became more acceptable, legitimating the life insurance enterprise" (p. 151).

Second, Zelizer considers the part played by the changing attitudes toward such ideological factors as risk and speculation. Traditional attitudes toward gambling conjured images of betting one's life against the insurance company—a lascivious activity, hardly conforming to the dominant utilitarian orientation of the time. However, by the end of the Civil War and the beginning of Reconstruction, these traditional attitudes gave way to more progressive ideas about life insurance such that the industry "gained prominence and moral respectability" (p. 151).

The strength of Zelizer's study lies in her concern to produce an explanatory framework that takes into consideration determinations of economic behavior other than those derived from the immediate conditions of the market. However, in doing so the author has tended to neglect a critical evaluation of certain factors of economic development that would significantly effect market relations. An analytic treatment of such factors as the changing occupational structure which accompanied industrial development in the mid-nineteenth century or the impact of the Civil War and Reconstruction on the social relations of agricultural production in both the South and the West is lacking. Quite possibly, the author dismisses economic considerations too easily. Still, Zelizer provides a much needed view of the changing cultural and ideological patterns in the 1800s.

PAUL R. DIETERICH
State University of New York at Binghamton

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The Politics of Opposition: Antifederalists and the Acceptance of the Constitution *by Steven R. Boyd. Millwood, N.Y., KTO Press, 1979. 178 pp. $18.95.*

This study is concerned with the role of the Antifederalists in the various states from the signing of the Constitution through the election of the First Congress. The organization is chronological; the writing somewhat tedious. The author examines the activities of the Antifederalists in each state with respect to the actions of state legislatures in calling ratifying conventions, the elections of members to these conventions, and the strategies of the Antifederalists in opposing ratification and in carrying out extensive propaganda campaigns to convince the public of the need for amendments. The book concludes with an account of the participation of the Antifederalists in the first federal elections.

Since this is not a full study of the ratification of the Constitution, the work does not treat the substance of either the Antifederalist argument or the ratifying conventions. The author instead concentrates his attention on Antifederalist tactics and organization, and he has found more evidence of organization than previously recognized. While historians have commonly pictured the Antifederalists as unorganized, inept, and ineffectual politicians, with poor leadership and inadequate interstate communication, Boyd sees them as displaying political acumen and forming "an able, national political party" (p. xii). He discovers Antifederalists campaigning effectively for seats in state ratifying conventions and maintaining contacts with Antifederalists in other states. Following ratification of the Constitution, they persisted in opposition through petitions to repeal ratification and in their efforts to elect Antifederalists to state legislatures and to Congress. Ironically, their participation in the political process initiated by the Constitution contributed to the acceptance of that new instrument. By focusing on the electoral maneuvering that preceded and followed the state ratifying conventions, Boyd has reached these conclusions without denying that the Antifederalists were an inept and ineffectual opposition within the ratifying conventions. Thus, he only partially modifies the dominant view of the Antifederalists; but his limited study does permit a more accurate assessment of their political role. Written as a doctoral dissertation under Merrill Jensen, the study profits from the author's having had access to the files of Jensen's projects on the Documentary History of the Ratification of the Constitution and the Documentary History of the First Federal Elections.

NOBLE E. CUNNINGHAM, JR.
University of Missouri, Columbia

Russia and the United States *by Nikolai V. Sivachev and Nikolai N. Yakovlev. Chicago, Ill., University of Chicago Press, 1979. 301 pp. $12.95.*

Students of Soviet foreign policy who have long awaited a competent Soviet interpretation of U.S.-Soviet relations will be disappointed with this volume. Part of a series entitled *The United States and the World: Foreign Perspectives,* this study has more to say about the evolution and shortcomings of American foreign policy than it does about the sources of Soviet behavior.

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Sivachev, a historian at the University of Moscow, and Yakovlev, a research scholar at the Institute of Sociology, Academy of Sciences of the USSR, note in the preface that they use a Marxian framework of analysis and that their manuscript was officially approved for publication. The result is largely a pedantic and self-serving account of a persistent American failure to improve the course of Soviet-American relations. There are some nonsensical Soviet misconceptions, as the statement, "In the United States even a preschool child understands the difference between a loan and commercial credit" (p. 114), as well as some startling historical distortions, such as the assertion that Russia actually supported the American struggle for independence (p. 3). Thus, while this book may provide an enlightening overview for the novice, specialists will find the analyses in *S Sh A: ekonomika, politika, ideologiia* [USA: economics, politics, ideology] and other Soviet journals more sophisticated.

Two leitmotifs, however, interestingly illustrate the extent to which current Soviet concerns have colored the authors' interpretation of past events. First, the book reveals an overwhelming indignation about certain American policies, such as the intervention after World War I and the postponement of recognition until 1933. The authors also emphasize the general difficulty of negotiating and concluding agreements with the United States. But, in most instances, the overtone is defensive—to parry similar accusations about the USSR; that is, the Soviet Union violates its agreements, interferes in the internal affairs of the United States, and so on.

Secondly, this study persistently seeks to discredit the prevailing American view that the Soviet Union engages in the export of revolution. Of course, the authors insist this is not the case. Rather Soviet policy is said to "help peoples struggling against colonial oppression" (p. 35). While this is a standard line in Soviet writings, Sivachev and Yakovlev seemingly make a special effort to justify its legitimacy, no doubt to convince a skeptical American audience.

Unfortunately, the tendency to toe the official line only makes for sanctimonious historiography. There are repeated claims that Soviet foreign policy has been completely consistent and tireless in promoting peaceful coexistence. And we are told that in 1956 "the Soviet Union came to the assistance of the Hungarian people and helped them to hold out against the attempted takeover" (p. 238), and that in 1962, the Soviet Union supplied "rockets and medium-range bombers" (not mentioning that they were nuclear) for the defense of Cuba (p. 244).

Still more serious and disappointing are the many omissions of historical detail concerning Soviet perceptions and Soviet objectives. This is particularly evident in the treatment given to the origins of the cold war. Instead of exploiting Soviet sources, the authors rely extensively on Western accounts; fifty-nine of the sixty-seven footnotes in the chapter on the cold war refer to American sources. Until Soviet historians are able to acknowledge the mistakes made by their own leaders and the likelihood that this unfortunate episode has been a *two-way* street, and until the day Soviet archives are opened to Western scholars, there is little hope for broadening historical scholarship and still less for enhancing mutual understanding.

CYNTHIA A. ROBERTS
Columbia University

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Soviet Bargaining Behavior: The Nuclear Test Ban Case *by Christer Jönsson. New York, Columbia University Press, 1979. 266 pp. $13.50.*

Christer Jönsson examines three dimensions of the Soviet Union's policy toward a nuclear test ban—its tactics during five years of talks before the treaty of 1963; the "intrabloc bargaining" between the Soviets and Chinese; and finally, the "internal bargaining" between Khrushchev and his opponents. An emphasis on "internal bargaining," Jönsson concludes, tells the story best.

All three vantage points bring important features of Soviet policy into view, but there are weaknesses in the treatment of each, and even more in the comparisons among them. In his first slice of the story, Jönsson establishes that Soviet tactics varied greatly over time (contrary to some Western pictures of a fixed Soviet negotiating style). Conciliatory and businesslike through 1960, the Soviets turned obstructionist between the U-2 and Cuban crises and resumed their earlier flexibility in 1963. This periodization is a shade schematic, but the discontinuity it reveals needs explaining and could have opened a valuable exploration of Soviet purposes during each phase. Instead Jönsson investigates the fluctuating Soviet "image" of the United States; he feels that suspicions of the West accumulated in the first phase and made negotiations impossible in the second. For him, Soviet policy is explained by tracking these suspicions to their domestic source.

Now whether the Soviets trusted the West is admittedly important, but less so than what they *wanted* from it, and on this we hear little from Jönsson. He does not set the test ban in the context of Soviet policy as a whole. How, for example, did Khrushchev's launching of the Berlin crisis (barely mentioned) square with conciliation on the test ban? Jönsson does not ask whether the failure of Khrushchev's Berlin initiative in turn obliged him to pull back from a treaty with the West. Having so scanted the East-West dimension of his story, he cannot weigh it convincingly against the other dimensions he considers.

In the Sino-Soviet slice of his analysis, Jönsson pushes the usual evidence toward a novel conclusion—that China was not a major factor in Soviet test ban policy. The specifics of his rebuttal of the orthodoxy are sometimes weak; he is impressed, for example, that Soviet hostility toward the West failed to improve Sino-Soviet relations. The failure of Soviet efforts, needless to say, cannot show us the hopes behind them.

Yet Jönsson is right if he means that good relations with China were one Soviet goal (however important) to be balanced against others, with which they may sometimes have been in conflict. When forced to choose, Khrushchev often seemed ready to resolve matters with the West, at a price in fraternal Sino-Soviet solidarity. Yet at other times he abruptly raised Soviet-American tensions, even when relations with the United States had been improving. It may be (as Jönsson holds) that the fits and starts of Soviet policy can only be explained by internal factionalism. But his case for this third dimension can be strong only if his treatment of the other two is fair, and this requires acknowledgment—missing in the book—of the complexity of Soviet policy.

With this said, Jönsson's picture of internal bargaining is the best part of his study. His review of, among other evidence, the speeches of the leadership over five years punctures any thought that Khrushchev's policies reflected a Soviet consensus. At times he was the only member of the leadership giving more than perfunctory support to a test ban.

This is a useful reminder of the tie between power and policy in the Soviet Union. Yet

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Jönsson's understanding of internal bargaining is skewed by the simplifications of the rest of the book. In fact, he does not really describe bargaining at all, but merely the support for and opposition to a test ban. Had he more fully treated the complexity of Soviet policy toward the West he might also have been able to suggest the complexity of the internal political maneuvering in which these positions were reconciled.

STEVEN SESTANOVICH
New School for Social Research

The European Alternative: An Inquiry into the Policies of the European Community *edited by Ghita Inonescu. The Netherlands, Sijthoff and Noordhoff, 1979. 522 pp. $29.00.*

This comprehensive study of the policies of the European Community is the outgrowth of two years of research and a conference organized by the Research Committee on European Unification of the International Political Science Association in collaboration with the European Commission and the European Parliament. Timed to attract specialists and citizens preparing for the first direct elections to the European Parliament, the volume seeks to explain the validity of the community's policies as alternatives to national policies in such diverse fields as agriculture, commodities, energy, textiles, the environment, and economics.

The book's organization is its most distinctive feature. Each section includes a report, devoted to a separate functional topic, one or two "counter-reports," and general conclusions. Authors struggle with the thorny problems of policy implementation and public acceptability of directives from Brussels. Academics assess the opinions of the commission's experts and those from the Parliament in a series of case studies. The work is likely to be used as a reference work by specialists rather than as a text for laymen, since it reflects the efforts of committed "Europeans" who assume basic sympathy and acquaintance with the European idea.

For many American readers, the section on energy policy is potentially the most interesting. Its strengths and weaknesses are a useful indication of the novel approach used throughout. Robert de Bauw's initial report stresses the significance of energy policy for the European Community's external relations and for internal commercial and industrial policy. The well-known tendency for member states to seek bilateral solutions to their supply problems with nonmembers is once again lamented. It is also explained within the context of energy problems before and after the 1973 crisis. Some attention is paid to aspects most Americans know least about, namely, the recent policy proposed by the commission and the reception of those proposals by the European Parliament, the Economic and Social Committee (ECSC), the ECSC Consultative Committee, and from industries concerned. What emerges is the unsurprising news that the community will remain dependent on imported energy for the foreseeable future, and also the unusual finding that the diverse institutions of the community have cooperated well in their unsuccessful attempts to provide answers to the continuing supply-demand dilemma.

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Guy de Carmoy's "counter-report" considers the behavior of the United States, OPEC, the oil majors, and the commission as actors in the tense drama affecting the economic growth and domestic tranquility of the nine nations in the community. The section's conclusions stress the importance of nuclear energy for the community's future requirements. Readers should supplement this report with others that explore rather than just state such controversial assumptions. No mention is made of unfavorable domestic reaction to expanded nuclear facilities, an indication that the report neglects national constraints on member states and the community as a whole.

Despite its obvious limitations, *The European Alternative* belongs on the shelves of those who follow the ups and downs of European integration or functional sectors of community activity. It will take its place in the burgeoning literature which appears at a much faster pace than the actual accomplishments of the community might seem to warrant.

LINDA B. MILLER
Wellesley College
Harvard University

The Struggle for Greece, 1941-1949 *by C. M. Woodhouse. Brooklyn Heights, New York, Beekman/Esanu Publishers Inc., 1979. 324 pp. $29.95.*

C. M. Woodhouse has written a splendid and definitive history about wartime and postwar Greece, a subject that still evokes passionate controversy and bitter memories. The outstanding features of the study are its objectivity and the richness of its detail which is drawn from the author's extensive personal experiences in Greece—during the occupation and the immediate postwar period—from the available documents and publications, including the official British records opened in January 1972, and from interviews with many of the leading participants in the struggle for Greece—Communists as well as non-Communists.

While the study is hardly an apology for British policy toward occupied Greece and later, it clearly destroys the notion of a British conspiracy found in the works of the Left. Woodhouse admits that British policy toward occupied Greece did not command admiration and is most critical of the obstinancy with which incompatible objectives were pursued—a result, in part, of the conflict between short-term military requirements and long-term political goals. He is particularly critical of the inconsistencies and faulty direction of British policy and rightly lays the blame to divided responsibility in the decision-making process. Below the cabinet, decision making was shared among the Foreign Office, the Chiefs of Staff, and the Ministry of Economic Warfare. Moreover, British secret services operated separately in Greece and were responsible to separate ministries.

But if British policy seemed confused and erratic, the same could also be said of the behavior of the KKE (the Communist party of Greece). Woodhouse is at his best in analyzing and recreating the strength and weakness of the KKE leadership and the three near successes it had of seizing power in Greece. He attributes the failure of communism in Greece to an ever-widening gap between its doctrinaire leaders caught in their devotion

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to a party line, difficult to define and subject to change with alarming suddenness, and the reality of Greece's toiling masses and social fabric. Also, each change in the party line seemed to necessitate a change of leadership in the KKE and the denunciation of the previous leadership—a situation not likely to create confidence in the party. Finally, the Greek Communists refused, until it was too late, to learn the awful truth that to the Soviet Union "the rank and file of the KKE, and in particular its leaders, were expendable. . . . Without a trace of compunction, Stalin let them go to their doom" (p. 289).

On the issue of the monarchy, Woodhouse does not allow himself to ask what would have been the outcome of the struggle for Greece if King George II had agreed to the demands of the vast majority of the Greek political leaders that he should not return to Greece until summoned to do so by the clearly expressed decision of the Greek people. Clearly, the stubborn refusal of the king to accept these demands benefited the Communists, who skillfully exploited the tension between monarchists and republicans, thereby forcing the bulk of the Greek people to take sides and choose between Communists and the king. More could have been said on the negative role of the king in the struggle for Greece. Why was his position tolerated?

From the record presented by Woodhouse, and contrary to leftist arguments, it is not at all clear that there was a consistent British policy to force the return of the king on the Greek people. What is clear is that an early decision of the king not to return to Greece until after a plebicite would not have been opposed by the British government. And on the occasions when the British government (Anthony Eden) pressed the king to make such a statement, the king refused or successfully skirted the issue by exploiting Churchill's royalist sympathies or Roosevelt's patrician instincts or both.

Woodhouse's masterful treatment of a subject that defies simple analysis makes this study compelling reading. His portraits of many of the leading personalities in the struggle for Greece are unsurpassed.

HARRY J. PSOMIADES
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The United Arab Emirates: Unity in Fragmentation *by Ali Mohammed Khalifa. Boulder, Colo., Westview Press, 1979. 235 pp. $24.50.*
The Creation of Qatar *by Rosemarie Said Zahlan. New York, Barnes & Noble Books, 1980. 160 pp. $23.50.*

Children of pearl fishermen, traders, and nomads, the 750,000 people with whom these books are concerned, now have among the highest per capita incomes in the world. Little agriculture and less industry flourish on their desert seacoasts; they are the beneficiaries of the dependence of the rest of the world's agriculture and industry on their only significant resource, petroleum. From very different perspectives, these two books seek to describe the creation of the political entities which, among other things, distribute the oil revenues.

Ali Mohammed Khalifa's study employs the framework of political integration theory to describe what was until recently little more than an amalgamation of tribes. This

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perspective produces some interesting observations. Abu Dhabi, the biggest and richest of the seven members of the United Arab Emirates (UAE), has virtually subsidized the federal venture and, according to Khalifa, it "derives from the union's continuity and growth an enhanced sense of hegemonial spirit and fulfillment not unlike that enjoyed by Prussia in the process of German unification in the last century" (p. 65). Frederick the Great would hardly have recognized a kindred spirit in Shaykh Zayid, but the commonly held precept that integration takes place around a "core area" seems to be borne out by the comparison.

By and large, however, conventional Western integration theory with its emphasis on advanced industrialized states is, as Khalifa himself concedes, an anachronism in the Gulf, and his eclectic mixture of approaches does little to make it more appropriate. In attempting to extend our understanding of what leads people to unite, he and his fellow theorists neglect a significant element in Third World integrative efforts: the requirements imposed by imperialism's arbitrary divisions and boundary tracings. The UAE is a collection of leftovers; as Khalifa (who is, it should be noted, an employee of the Saudi Defense Ministry) observes, "were it not for Britain's atomistic protective policy astride the periphery [of the Arabian peninsula], the whole peninsula might have been brought under one political leadership four or five decades ago" (p. 141). As it happened, unilaterally deprived of their British political patron in 1971, several ruling tribal families—Khalifa calls them "the pertinent political elites"—had little choice, if they wanted to retain their privileged positions and their autonomy, but to come together and pool some of their considerable resources to establish an independent state. That two of the sheikhdoms, Bahrain and Qatar, declined to join the union, preferring to go it alone, raises some provocative theoretical questions, but Khalifa gives their decision too cursory treatment to shed much light on the alternatives to integration among "mini-states." Despite his awkward theoretical framework, however, he describes well the problems the UAE rulers had and continue to have, the institutions they created, and the regional and international reactions to their move.

Making no claim to contribute to political theory, Rosemarie Said Zahlan hopes to "provide the reader with a description and identification of the processes and forces that contribute to change and continuity in Qatari society" (p. 12). Concerned with what a political scientist would call the longitudinal dimension, hers is a history book, concise and well organized. To a readership likely to think the Gulf sheikhdoms interchangeable, she points out, for example, that "Qatar is strikingly different in one respect: it never had permanent inland settlement. All the towns and villages have been coastal, with pearling, fishing and sailing the only occupations of its inhabitants" (p. 13). Lacking agriculture, Qatar was dependent on imports long before petroleum made such dependency a cliché in oil-rich states, and it long had the commercial tradition on which it draws today. Indeed, Zahlan marshals considerable support for her contention that "the traditional socio-economic foundations of Qatar have not been obstructive to the rapid transformation being undertaken today" (p. 99), citing the long history of urbanization and the traditionally high proportion of resident foreigners. Her account does little to illuminate the reasons Qatar chose not to participate in the UAE, since its major quarrel seems to have been with Bahrain, which also opted out. Despite the long-standing feuds between the ruling

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families in the Gulf which she so well describes, Zahlan considers it likely that Qatar will "become party to future moves for closer forms of a Gulf federation" (p. 135).

Like Khalifa, however, Zahlan sees the sources of fundamental political change in the unprecedented social and economic development of the Gulf states. Both authors argue that the "gradualist" policies of the governments in expanding political participation have been the better part of wisdom in societies where political loyalties reside in tribal and parochial ties. They warn, however, that, for example, the vast government-sponsored educational programs will be transforming these societies. Khalifa asks whether "elites [will be] flexible enough to relax their virtual monopoly of political authority" (p. 181), and Zahlan, noting "the critical role played by a small number of powerful men in shaping the history of Qatar," points out that "new relationships between the people and the government are called for" (pp. 136, 139). Neither author, however, hazards a guess about what might happen should the ruling families prove unable to loosen their grip on the reins of power.

LISA S. ANDERSON
Columbia University

Politics between Departments: The Fragmentation of Executive Control in Australian Government *by Martin Painter and Bernard Carey. St. Lucia, Queensland, University of Queensland Press, 1979. 132 pp. $12.75.*

The specific target of investigation in this book is the system of interdepartmental committees (IDCs) set up in Australian national government to deal with problems that fall within the domain of more than one executive agency. But in a more general way the book also provides an illuminating look at the division of authority in Australian politics between the elected officeholders in the cabinet on the one hand and the permanent officials in the higher ranks of the civil service on the other.

Many of these interdepartmental committees deal with matters that can best be described as bureaucratic routine—for example, processing requests for travel outside the country by Australian officials. But a significant number are what the authors call policy IDCs. These policy committees, which represent 30 to 50 of the 180 IDCs the authors were able to identify in the Australian executive, make decisions that can have major policy implications.

The authors' verdict on how well these IDCs carry out their policy role is by and large a negative one. The representatives of the executive departments on these committees give the highest priority to the defense of departmental interests, and committee deliberations are often characterized by a search for ways to bury rather than to cope with major problems. Although they may serve some useful functions, such as highlighting the government's concern over major issues of policy like relations with Japan, these committees are not an effective instrument for providing the cabinet with high-quality advice.

The principal explanation the authors give for the failure of IDCs is the fact that these committees enter into a tacit agreement to avoid taking positions to which any of their

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members strongly object. Or as the authors put it: "The conservatism and caution inherent in the delegate role lead to avoidance of conflict and to searches for formulae that bury differences rather than resolve them by bargaining and negotiation. Much of what goes on in IDCs can in fact be seen as a process of evading situations in which one or another department clearly emerges as winner or loser" (p. 77). As distinct from the processes of bargaining and compromise that Charles E. Lindblom celebrates in his *Intelligence of Democracy* as partisan mutual adjustment, the authors describe the patterns of behavior commonly encountered in IDCs as "partisan mutual evasion" (p. 78).

The principal remedy the authors proposed for the ills of policymaking by IDCs is to shift responsibility for the problems of coordination and policy development now handled by these groups to committees operating under the aegis of the cabinet. Only in this way, the authors argue, can these problems be looked at from the perspective of the public good rather than the departmental self-interests that currently suffocate IDC deliberation.

This remedy is designed not only to promote more effective policymaking but also to restore political control over the policy process. One effect of the growing influence of IDCs on policymaking has been to move the locus of decision from the cabinet to the bureaucracy—thus shifting control over policy from elected officials to nonelected officials.

For the American reader, one of the most interesting aspects of the book is the light it throws on the ability of bureaucracy to influence major policy decisions in a parliamentary democracy. Bureaucratic power in the United States is commonly traced to the weakness of presidential authority that the separation of powers engenders, as well as the absence of disciplined parliamentary parties capable of generating and carrying out an election verdict.

But as this book reveals is the case in Australia, and as *The Crossman Diaries* suggests is true also of Great Britain, overcoming bureaucratic autonomy is as difficult a problem for parliamentary as it is for presidential democracies. And the remedies usually proposed are also very similar. The cabinet committee system the authors present as an alternative to IDCs is not altogether different from White House structures like the National Security Council and the domestic staff that have been designed to shift control over executive policymaking from the bureaucracy to the president. The authors should be alert to the fact that in the United States this trend toward centralized executive decision making has not always enhanced either the quality of policy decisions or democratic control over the policy process.

FRANCIS E. ROURKE
Johns Hopkins University

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Multinationalism, Japanese Style: The Political Economy of Outward Dependence *by Terutomo Ozawa. Princeton, N.J., Princeton University Press, 1979. 289 pp. $16.50.*

Japan has become the subject of increasing scholarly interest of late. Once the purview of a small coterie of professional Japanophiles whose propensity for exotic, culturally rooted explanations all too often obscured, rather than illuminated, the country for the nonspecialist, Japan has suddenly become a case necessitating comparative explanation for a much wider group. Similarly, the multinational corporation and cross-national economic operations have ceased to be the exclusive domain of economists. Political scientists, in their rediscovery of the economic underpinnings of much of what they have long investigated, have come to realize the importance of such activities. This book, dealing as it does with the Japanese experience with multinational operations, thus has a potentially wide audience.

Ozawa attempts largely to determine the extent to which Japanese multinational activities are similar to those of their U.S., and to a lesser extent, Western European, counterparts. Obviously, there are many similarities—in the importance of investments aimed at the extraction of raw materials within less-developed countries, in the attraction of overseas activities for domestic oligopolies, and in the subtle interplay between political and economic motivations that lie behind such ventures. At the same time, Japan is a comparative oddity in other ways. Despite the genuine importance of the market mechanism, and the many instances during which business and government have been at loggerheads in Japan, the government-business connection there emerges closer than elsewhere. Giant businesses and trading companies often peform as adjuncts of government, particularly in Japanese "foreign assistance" projects. Japanese multinational operations also tend to be characterized by higher risks, longer contract terms, lower profit margins, and an increased sensitivity to host-country demands than the largely American prototypes of multinational corporation behavior. In addition, organized labor in Japan has supported, rather than opposed, overseas ventures. Finally, at the time of this study, close to half of Japan's overseas investments had been undertaken by small- and medium-sized enterprises, most often by firms in Japan's technologically declining sectors.

The essence of Ozawa's explanation for this combination lies, not in exotica, but in the structure and rationales undergirding Japanese politics and industry. Most central is the attempt being made to escape from what he calls the Riccardo-Hicksian trap, namely, the scarcities of labor and land that have inevitably accompanied past economic successes. To avoid economic sclerosis, the country has relied on its most plentiful resource, capital, in an effort to provide continuous sectoral upgrading. At home this means ever more capital-intensive, high-technology industries. But the character of overseas activities involves tactical elements in this broad strategy.

In addition to a theoretical concern for the causes and consequences of Japanese multinationalism, the book is rich in detail about specific Japanese projects worldwide. Yet while both the empirical and theoretical strands are interesting in themselves, they are less tightly woven together at times. It is never clear just how the analysis of industrial

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organization, factor endowments, and product cycle, for example, are informed by, or inform, the detailed analysis of the many specific activities that are chronicled.

Inherent too is the problem that frustrates any attempt to comprehend some rapidly fluctuating phenomenon; by the time description is complete the shape has changed. Thus, the number of new Japanese overseas investments peaked in 1973; but then fell sharply to a plateau about one-third that number, with the declines being most severe among small- and medium-sized concerns. Furthermore, attention toward commercial and service investments in the advanced industrial countries has gained in significance in the last few years. And, buoyed by a new found self-confidence, Japanese businessmen no longer seem to many quite as sensitive to host countries' demands as they were a decade ago. Perhaps most important of all, the stable business-government links so vital to past policies are likely to be shaken, if not shattered, by the decreased electoral margins of Japan's long-ruling conservative party and the threat to a middle-left coalition.

Such matters notwithstanding, the book provides a wealth of informed and sensitive analysis about Japan's multinational activities in a context that will make the Japanese experience readily comprehensible even to those who have not toiled long years in the heart of Japan's commercial and financial districts.

T. J. PEMPEL
Cornell University

International Economic Sanctions: The Cases of Cuba, Israel, and Rhodesia *by Donald L. Losman. Albuquerque, University of New Mexico Press, 1979. 156 pp. $12.95.*

The American government's reaction to the Iranian and Afghanistan crises has focused attention on international economic sanctions as an instrument in international relations. Losman's study of the impact of sanctions on Cuba, Israel, and Rhodesia is thus timely. Among other things, it provides a partial framework for an analysis of the economic impact of sanctions and, at least implicitly, suggests the limits of their usefulness.

In his theoretical construct, Losman treats international sanctions as an example of trade-diverting measures no different, in principle and effect, from an import-substitution policy or of a system of import and export quotas. Structuring the problem in this way has significant advantages. Specifically, it permits Losman to draw upon the corpus of traditional international trade theory to assess the potential impacts of sanctions. Within this framework, it can be easily demonstrated that sanctions are harmful to both the levying country and the target country and that the extent of the injury is a function of the degree to which the sanctions produce distortions in the countries "ideal" trade patterns. This, in turn, can be shown to depend on the volume of intercountry trade in the period prior to the sanctions and on the increase in costs the countries incur after the sanctions have been levied due to the necessity to shift to more expensive sources of supply for importables and to less profitable markets for exports. Although Losman did not do so, this framework is also useful in analyzing the impact of sanctions on the internal distribution of income and on the competitive environment.

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If Losman had chosen this framework to set the stage for a rigorous empirical analysis of the economic effects of sanctions, it would be permissible to overlook the fact that it is overly simplistic. Empirical work, after all, has its own imperatives, and the view that international sanctions are little more than an example of trade-diverting measures does bring into sharp focus important variables that are capable of being measured. Unfortunately, however, Losman eschews the task of measurement when he considers the three case studies. This failure not only reduces the value of his study but also tends to deprive the theoretical framework of some of its rationale. For while it is legitimate to regard sanctions as an example of trade impediments, they are surely more than that. To cite but one consideration, the target country is inevitably cast in the role of a pariah. How this will affect its behavior is difficult to predict a priori. On the one hand, it could strengthen its resolve to carry on. On the other hand, it could undermine its confidence in the righteousness of its cause. In either case, it could have a significant effect on the outcome, and a theoretical construct that is not constrained by empirical considerations should certainly take it into account.

Losman concludes on the basis of his three cases studies that sanctions are ineffective weapons. Generalizations based on these case studies, however, are not warranted. As Losman recognizes, the objectives of the sanctions in each of these cases were extreme. In levying sanctions against Cuba, the American objective was not merely to overthrow the Castro government but to roll back the revolution. The Arab sanctions against Israel have as their explicit objective the destruction of the Jewish state, while the sanctions against Rhodesia are designed to transfer power from the white minority to the black majority. Given these "unconditional surrender terms," it is not at all surprising that the sanctions failed. History provides numerous examples of societies willingly undergoing much crueler punishments when faced with destruction than economic sanctions can possibly bring to bear. In assessing the potential effectiveness of sanctions, the critical question is not whether thay can succeed in destroying the target country's society, but rather whether they can succeed in achieving more modest ends. In current terms, the question is not whether economic sanctions are potent enough to undermine Iran's Islamic revolution, but rather whether they can be effective in securing the release of the hostages. Viewed in these terms, international sanctions may still prove to be a powerful weapon. The Soviet Union did, after all, accede to the American demand for increased Jewish emigration as a condition for the removal of sanctions against it.

Despite its limitations, Losman's study is a useful first step toward understanding the role of sanctions in international affairs. More work, both theoretical and empirical, is, however, in order.

ELLIOT ZUPNICK
Columbia University

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Cuba: Order and Revolution *by Jorge I. Dominguez. Cambridge, Harvard University Press, 1978. 683 pp. $25.00.*

This is the most important study of Cuban politics in a decade and the most ambitious book about the Cuban Revolution yet to appear. In the first half of his study, Dominguez presents a selective overview of the history of Cuba from 1898 to 1978. The second half of the book is devoted to a more detailed and analytic consideration of revolutionary Cuba—mass political participation and the Communist party, the armed forces and the agrarian question, policymaking and political culture. It is these later chapters that constitute Dominguez's chief scholarly contribution, defining his book as a work of reference and a major reinterpretation of the Cuban Revolution.

Despite its encyclopedic detail, *Cuba: Order and Revolution* is an argumentative work, which challenges conventional wisdom to its Left and Right. Throughout, Dominguez argues certain central theses. One is the continuity of the past amid the revolutionary transformations of the present, where most scholars have stressed the dramatic changes since 1959. A second is that a crisis of legitimacy lay at the center of Cuban politics in this century, until the revolution solved it via Fidel Castro's charisma, later institutionalized in the revolutionary bureaucracy. Dominguez views the revolution as an attempt to overcome the pluralization of Cuban politics by centralizing decision making and weakening autonomous sources of authority. The revolutionary politics he describes are shaped by a desire for control and a struggle for power among Cuba's new "ruling elite," as well as by Cuba's level of social modernization, economic structure, and dependence upon the Soviet Union.

These are important theses and Dominguez argues them with force and skill. Unfortunately, his is a frustratingly uneven book—alternately insightful and obtuse in its interpretations, careful and cavalier in its use of evidence, clear and turgid in its writing—and the whole is less than some of its parts. Dominguez is at his best when he goes beyond received opinion, as in his discussion of the revolution's "civic soldiers" or refutation of the militarization and sovietization of Cuba theses. His juxtaposition of "imperialism" (U.S. intervention before 1933) and "hegemony" (American and Russian informal ascendancy thereafter) illuminates the changing relationship between Cuba and its patron powers, along with the varying degrees of internal freedom that these shifts have conferred upon Cuba's domestic politics and policies.

Less persuasive is Dominguez's view of Cuban politics and policymaking since 1959 as shaped by power drives and bureaucratic politics, in which revolutionary goals, socialist ideology, and popular participation play little role. Here his use of sources and language are often unconvincing. To prove that pressure from below had little impact upon governmental decision making, Dominguez chooses a Castro quote from 1965, when one drawn from 1970–71 might have led to a very different conclusion. The rhetoric Dominguez uses to make his case is often as loaded as his selection of evidence, and subtle biases enter into many of his judgments—allowing him to conclude that Cuba's new system of "popular power" is both unresponsive and unrepresentative.

The chapter on mass political participation is particularly problematic, but the book's weaknesses appear elsewhere as well. Although the author's measures are often ingenious, he sometimes goes beyond his scattered and ambiguous evidence to make

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debatable assertions that are later treated as established arguments and pyramided into important conclusions. Too often, Dominguez forces the complexity of the Cuban Revolution into the Procrustean bed of his categories and politics. By comparison with earlier critics of that revolution, his is a balanced and scholarly account, but he deploys his considerable scholarship to tilt the balance against it.

The underlying weakness of this study, however, is its limited understanding of the revolutionary process. Dominguez is at his best in describing the institutionalization of the Cuban Revolution in the 1970s, but his discussion of what he calls the "radical '60's" is brief and unilluminating. He judges "revolutionary" politics by the standards of "normal" politics and employs an inadequate notion of the transformation of consciousness to gauge the impact of revolution on individuals. As a result, Dominguez misses the mark, and despite the title his book is more about order than revolution. What eludes his categories is the experience of revolution as a complex process of individual and societal transformation. Dominguez's study remains a view from outside and above—through the telescope of exile and the prism of social science.

Still, *Cuba: Order and Revolution* is an intelligent and important work, at once sophisticated and shrewd. Although it is not the "definitive study on twentieth century Cuba" claimed on the dust jacket, it is a richly suggestive study that summarizes our state of knowledge, challenges conventional wisdoms, poses new questions, and points the way to future research and writing. One may dispute its conclusions but not its significance.

PETER WINN
Columbia University

Mexican Workers in the United States: Historical and Political Perspectives *edited by George C. Kiser and Martha Woody Kiser. Albuquerque, University of New Mexico Press, 1979. 295 pp. $7.50.*

Immigration from Mexico to the United States has surfaced as one of the most salient issues facing the United States. Unlike the classical debates over immigration that were frequently discussed concerning European immigration in the 1880s and 1920s, the debate over Mexican immigration centers primarily on the clandestine nature of undocumented workers. The Kiser reader does not help if one seeks up-to-date information concerning the current movement or employment of Mexican immigrant workers in the U.S. economy. Nor does the Kiser anthology provide "hard" data regarding the ebb and flow of Mexican workers, the impact of immigrant workers upon labor markets, or the exploitation of immigrant workers by U.S. employers. One would have to turn to the numerous studies and reports that have been published since 1976 to get at these questions. Indeed, it would seem that Mexican workers first entered the United States to work in the 1970s, judging by the way that many public officials and some scholars have defined the "Mexican worker problem." The Kiser anthology signifies a remarkable departure from the tendency toward a historical conceptualization and research on the problem of Mexican labor immigration.

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The anthology is carefully organized into six sections. The first section includes short selections and articles concerning the organized movement of Mexican workers into the United States during World War I. The mass deportation and repatriation of Mexican workers is treated in the second section, and various issues pertaining to the "second" Bracero era are covered in the third section. The movement and politics concerning undocumented Mexican workers, commuters, and the border industrialization program are covered in a variety of selections in the remaining three sections, respectively.

The anthology offers an interesting array of articles, chapters, newsclips, and selections abstracted from well-preserved documents such as presidential speeches to other important, yet relatively obscure, sources such as State Department dispatches held at the National Archives and Records Center. The section on undocumented workers is the largest and at the same time perhaps the most incomplete section, given the problematic nature of undocumented migration. A nice feature of the anthology is that it identifies, as the editors had hoped, "unexplored" aspects of Mexican labor in the United States and introduces various "Mexican" sources as part of the historical record.

The editors attach high importance to the importation program during World War I. This is one of the most important and most obscure areas of research on Mexican labor. One has to appreciate the emphasis that the authors place on the importance of recognizing some of the continuities underlying the importation programs invoked during World War I and World War II. At the same time one has also to question the wisdom of taking the World War I importation program as the point of departure, since large-scale migration of Mexican workers had preceded the World War I period by at least twenty years. Documents from files of the Department of Labor, the Immigration Service, and the *Congressional Record* suggest that the first importation program drew upon existing recruitment practices of individual employers, thus to a large extent it represented the formalization of existing practices. These documents also suggest that the importation program constituted an administrative resolution between racists who were opposed to the settlement and growth of the Mexican population in the United States and employers who were interested in importing Mexican workers. What was most significant about the importation program was that it both provided for large-scale interstate migration of Mexican workers, thus expanding the large-scale flow of Mexican workers, particularly northward, and laid the foundation for all subsequent U.S. policy toward Mexican workers—reliance on temporary labor migration, excessive restriction in legal immigration from Mexico, and heavy reliance on enforcement efforts aimed at either preventing "imported" Mexican workers from "skipping" or otherwise controlling or regulating the flow of undocumented migrants. This policy of temporary migration was designed to prevent or otherwise minimize as much as possible the growth of the Mexican population while achieving the optimal level of labor import. The temporary labor program demonstrates and underscores the importance that administrative discretion and bureaucratic organization have played concerning the admission, entry, or exits of Mexican workers in the United States.

The editors have provided keen insight into the complexities of the Mexican worker experience in the United States but have failed to grasp some of the continuities of this experience; namely, the intricate interface between race relations and colonialism, on one hand, and the logic of capitalist development as it has proceeded in the U.S. Southwest

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and Northern Mexico. Historically, the evolution of policy responses toward Mexican workers in the United States is meaningfully traceable to the series of social conflicts characteristic of Mexican-Anglo relations. The concept of "place" in the occupational order paralleled the objective societal position of Mexican workers, and this position was well defined by the late nineteenth century. The Dillingham Commission reports of 1911 echoed the prevailing racial sentiment toward Mexicans and defined them more concretely in terms of immigration. The 1917 importation program institutionalized this evolving attitude toward Mexican workers and their "place" in the United States. These responses, from a policy framework, are responses to domestic race relations and economic development strategies as much as they were responses to recruitment of "foreign" nationals.

A serious shortcoming of the anthology is its failure to include the experiences of legally admitted immigrant workers (noncommuters), who, for a variety of reasons, neither entered without inspection nor labored under a temporary importation program. Documentation of the experiences of the immigrant Mexican worker is an integral part of the total scene.

The introduction to each section helps place the selection and organization of materials into historical perspective and within the political context. The authors provide a useful bibliography and a short index to help the reader work with the anthology or to go beyond it. No one but an expert would bother to research the materials gathered by Kiser and Kiser. Thus the edition really provides nonexperts with a shot of expertise into a complicated problem area. One can only hope that the many experts on Mexican migration who have emerged recently will take the time to read this anthology.

GILBERT CARDENAS
University of California, Berkeley

Suburban Tokyo: A Comparative Study in Politics and Social Change *by Gary D. Allinson. Berkeley, University of California Press, 1979. 258 pp. $18.75.*

Many of us who are fond of Tokyo wish that the western suburbs were less important. We see them as dismal swamps sucking life from more interesting parts of the city and nurturing "progressive" politicians who will do what they can to accelerate the devitalization. Wishing will not do away with the importance, however. They are very important, indeed, and are likely to be ever more so. A study that describes the history and examines the social and political nature of two of them is to be welcomed and read with attention. Allinson's study of Fuchū and Musashino is careful, competent, and interesting.

He quickly establishes the importance not only of suburban Tokyo but of Japanese suburbia in general. Early on we learn that "suburbs encompassed a third or more of Japan's total population in the late 1970s" (p. 5); and a bit further on there is sad (for us who deplore suburbia) evidence of how their importance has increased. In the quarter of a century after 1950 the population of Tokyo Prefecture grew at something like two-and-a-half times the national rate, and the growth of the Santama district, generally the western suburbs, was more than seven times the national rate. "Moreover, it seems likely

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that such suburban growth will continue, in Tokyo and elsewhere as well. Not all suburban cities grew at the same rate as those near Tokyo, nor will they in the future. But the rapidity of suburban growth, the already large size of suburbia, and the prospects for continued growth attest to the demographic importance of suburban cities" (p. 6).

Far from seeking to wish them away, we are well advised to examine the western suburbs for omens. A crucial fact in Japanese politics has been the decline of the conservatives whose line of prime ministers has lasted for more than three decades. It is easy to make projections that show that they will lose their parliamentary majority one of these days. It is not easy at all, however, to predict what will happen then. In this regard the political behavior of the suburbs and Allinson's case study are very significant.

That behavior is by no means simple, as the study establishes. There are subtle differences depending on the level of government, national or regional or local. If we limit ourselves to national politics, we see that the decline of conservatism has not necessarily meant the rise of radicalism, and certainly not of unified and concerted radicalism, even in suburbia, where to the less than careful observer chic radicalism may sometimes seem out of control. In both Musashino and Fuchū the conservatives declined, to be sure, but so did the socialists, the leading radical party.

After 1960 parties of the center picked up votes from either side, while the Communist party picked up votes from the Left. In both Fuchū and Musashino the socialist share of the vote in national elections declined by half between 1960 and 1976. In neither of the two cities did the conservatives lose such a chunk of their vote. The fragmentation of the opposition vote leaves it far from clear, moreover, who, if anyone, will be in a position to take over when the conservatives do finally lose their majority.

Allinson's conclusion is very instructive: "By the late 1970s the prospect of a coalition government in Japan was becoming a certainty. But . . . the likelihood of political instability was diluted by the persisting strength of moderate, if not conservative, partisan sentiment. Suburban voters appeared to be shunning the parties of the left in favor of centrist parties that often complemented, rather than confronted, the entrenched conservatives" (p. 239).

EDWARD SEIDENSTICKER
Columbia University

Images of Conflict *by Albert F. Eldridge. New York, St. Martin's Press, 1979. 229 pp. Cloth, $12.95; paper, $6.95.*

This book is meant to be an introduction to the theoretical and empirical literature on the causes, processes, and effects of violent as well as nonviolent conflicts. It uses an interdisciplinary perspective, drawing largely on the works of political scientists, psychologists, and sociologists. The author expresses the hope that the conjunction of these fields will provide a starting point for an integrated scheme of analysis for all types of human conflicts.

Unfortunately, the book does not provide even the rudiments of a coherent framework for the explanation of social conflict. Instead, we are given pedestrian summaries of

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various empirical studies and conceptual approaches, many of them well known even to nonspecialists, and a high proportion of them published a decade or two ago.

One wonders why it is necessary at this late date to stress again that the perception as well as the goals of the antagonists and the communication between them is important for understanding the sources and conduct of social conflict. This has been part of the common fare of conflict researchers and theorists. Nor would it seem to be of much use to emphasize again that such concepts as relative deprivation and frustration are useful for the analysis of conflict processes. The author provides good summaries of these notions and guides to the research literature, but this does not rise above the level of introductory textbooks.

Later chapters deal with such topics as the Detroit race riots of 1967; the uses of terror and political violence; the October war of 1973 between Israel and its Arab neighbors; characteristics of bargaining as a means for the resolution of conflict; and, finally, the negotiations that led to the conclusion of the SALT I treaty. In each case, the treatment of the issues is superficial and lacks analytical rigor. Moreover, it remains unclear what there is in common between, for example, a race riot and Kissinger's shuttle diplomacy.

The book is superficial, and it is also sloppy, not only in many peripheral areas, but in its basic definitions as well. What is one to make, for example, of a statement that violence "differs from force in its *unnecessary* intensity, capriciousness, and destructiveness" (p. 106—emphasis added). Who determines what is necessary and what is not?

The book's conclusions all come out on the side of the angels. Since perceptions affect conflict, and images of antagonists influence its conduct, we must become more sensitive to alternative images of social reality and must attempt to increase a sense of empathy with the views of others. Increased communication between potential adversaries minimizes the intensity of conflict. And so it goes. What else is new?

LEWIS A. COSER
State University of New York at Stony Brook

REFERENCE BOOKS AND SOURCE MATERIALS RECEIVED

The Almanac of American Politics 1980 *edited by Michael Barone, Grant Ujifusa, and Douglas Matthews. New York, E. P. Dutton, 1980. 1055 pp. Cloth, $17.00; paper, $11.50.*

America Votes 13: A Handbook of Contemporary American Election Statistics *compiled and edited by Richard M. Scammon and Alice V. McGillvray. Washington, D.C., Congressional Quarterly Inc., 1979. 384 pp. $46.50.*

City Employment in 1978 *prepared by the Governments Division, Bureau of the Census. Washington, D.C., U.S. Government Printing Office, 1979. 20 pp. $.65.*

Compendium of Government Finances *prepared by the Finance Branch, Bureau of the Census. Washington, D.C., U.S. Government Printing Office, 1979. 643 pp. $10.00.*

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Control of Terrorism: International Documents *edited by Yonah Alexander, Marjorie Ann Browne, and Allen S. Nanes. New York, Crane, Russak and Company, 1979. 215 pp. $17.50.*

Federal Yellow Book *edited by Teri Calabrese. Washington, D.C., Washington Monitor, Inc., 1979. 604 pp. $95.00.*

Governmental Finances in 1977–78 *prepared by the Governments Division, Bureau of the Census. Washington, D.C., U.S. Government Printing Office, 1980. 100 pp. $1.35.*

Historical Statistics on Governmental Finances and Employment *prepared by the Governments Division, Bureau of the Census. Washington, D.C., U.S. Government Printing Office, 1979. 159 pp. $4.75.*

How to Find Information about Companies *by Washington Researchers. Washington, D.C., Washington Researchers, 1979. 284 pp. $45.00.*

Labor-Management Relations in State and Local Governments *prepared by the Governments Division, Bureau of the Census. Washington, D.C., U.S. Government Printing Office, 1979. 107 pp. $4.00.*

Local Government in Metropolitan Areas *prepared by the Governments Division, Bureau of the Census. Washington, D.C., U.S. Government Printing Office, 1980. 823 pp. $12.00.*

Popularly Elected Officials *prepared by the Governments Division, Bureau of the Census. Washington, D.C., U.S. Government Printing Office, 1979. 209 pp. $5.50.*

Researcher's Guide to Washington, 1979 *by Washington Researchers. Washington, D.C., Washington Researchers, 1979. 571 pp. $95.00.*

State Government Finances in 1978 *prepared by the Governments Division, Bureau of the Census. Washington, D.C., U.S. Government Printing Office, 1979. 79 pp. $1.40.*

Statistical Abstract of the United States: 1979 *prepared by the Bureau of the Census. Washington, D.C., U.S. Government Printing Office, 1980. 1057 pp. Cloth, $12.00; paper, $9.00.*

The Truman Presidency: The Origins of the Imperial Presidency and the National Security State *edited by Athan Theoharis. Pine Plains, N.Y., Earl M. Coleman Enterprises, Inc., Publishers, 1979. 396 pp. $39.50.*

Twenty Censuses: Population and Housing Questions 1790–1980 *prepared by Data Users Service, Bureau of the Census. Washington, D.C., U.S. Government Printing Office, 1979. 91 pp. $3.75.*

Washington Information Workbook, 1979 *by Washington Researchers. Washington, D.C., Washington Researchers, 1979. 314 pp. $35.00.*

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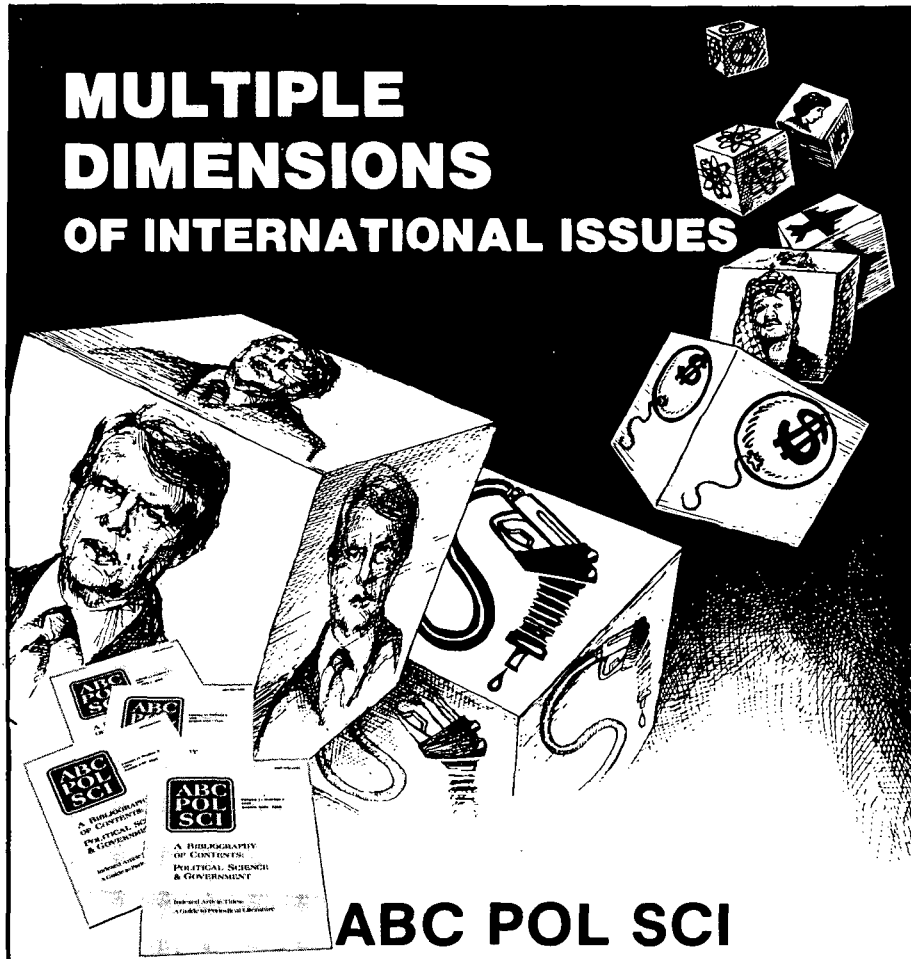

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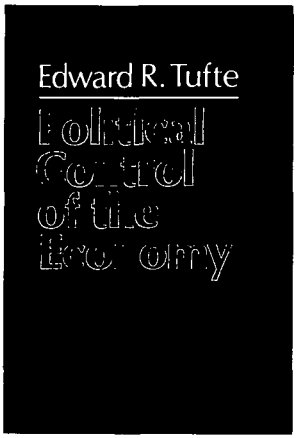

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Makoto Takamiya

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1978. 238 pages, pb. DM 38,–. ISBN 3-445-01834-0
Schriften des Wissenschaftszentrums Berlin, Band 5 (Hain)

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